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ORDINANCES

Voter approved ordinances which may not be amended except by the voters.

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* The ordinance in Appendix A was amended in 1946, 1954 and 1960, the ordinance in Appendix B was amended in 1954, the ordinance in Appendix E was amended in November 1983, the Ordinance in Appendix K was amended in November 1993, and the ordinance in Appendix L was amended in June 1987. Appendix D was repealed in November 1975.

INITIATIVE ORDINANCES

REFUSE COLLECTION AND DISPOSAL ORDINANCE

Adopted November 8, 1932

Providing for the Collection and Disposition of Refuse in the City and County of San Francisco; Providing for the Licensing of Refuse Collectors by the Director of Public Health; Fixing the Maximum Rates or Charges for the Collection of Refuse by Licensed Refuse Collectors from Homes, Apartment Houses, Stores, etc.; Dividing City and County of San Francisco into Collection Routes; Providing Penalties for the Violation of the Provisions of this Ordinance.

*Be it Ordained by the People of the City and County
of San Francisco:*

SECTION 1. The term "refuse" as used in this ordinance shall be taken to mean all waste and discarded materials from dwelling places, households, apartment houses, stores, office buildings, restaurants, hotels, institutions and all commercial establishments, including waste or discarded food, animal and vegetable matter from all kitchens thereof, waste paper, cans, glass, ashes, and boxes and cuttings from trees, lawns and gardens. Refuse as used herein does not include debris and waste construction materials, including wood, brick, plaster, glass, cement, wire, and other ferrous materials, derived from the construction of or the partial or total demolition of buildings or other structures.

SECTION 2. It shall be unlawful for any person, firm or corporation to dispose of refuse as defined in this ordinance except as herein provided, save that the provisions of this ordinance shall not include refuse which may be incinerated by an owner of a building for himself or for his tenants on the premises where produced; provided, however, that such incineration shall be subject to inspection and control by the Director of Public Health and the Fire Department. Failure of any householder producing refuse to subscribe to and pay for refuse collection, unless such householder is a tenant for whom refuse collection service is provided by his landlord, shall be prima facie evidence that such householder is disposing of refuse in violation of this ordinance.

SECTION 3. Refuse consisting of waste or discarded food, animal and vegetable matter, discarded containers of food, animal and vegetable matter and ashes shall be collected and placed in suitable metal cans of such capacity as the Director of Public Works may prescribe (but not to exceed 32 gallons in the case of a can serving one single family dwelling unit) by the producer or landlord who by reason of contract or lease with an occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of as herein provided. Waste paper and boxes and other refuse materials not subject to putrefaction or decay, and cuttings from trees, lawns and gardens may be placed in any suitable container and delivered by the producer or landlord, who by reason of contract or lease with the occupant is obligated to care for such refuse and deliver same to a refuse collector.

to be disposed of as herein provided; provided, however, that it shall be optional with the producer or landlord to deliver waste paper or other refuse having commercial value to a refuse collector, and the producer or landlord may dispose of the same in any manner he may see fit. Refuse, which under the provisions hereof must be deposited in a metal can of suitable capacity, shall be removed daily from the place where the same is created.

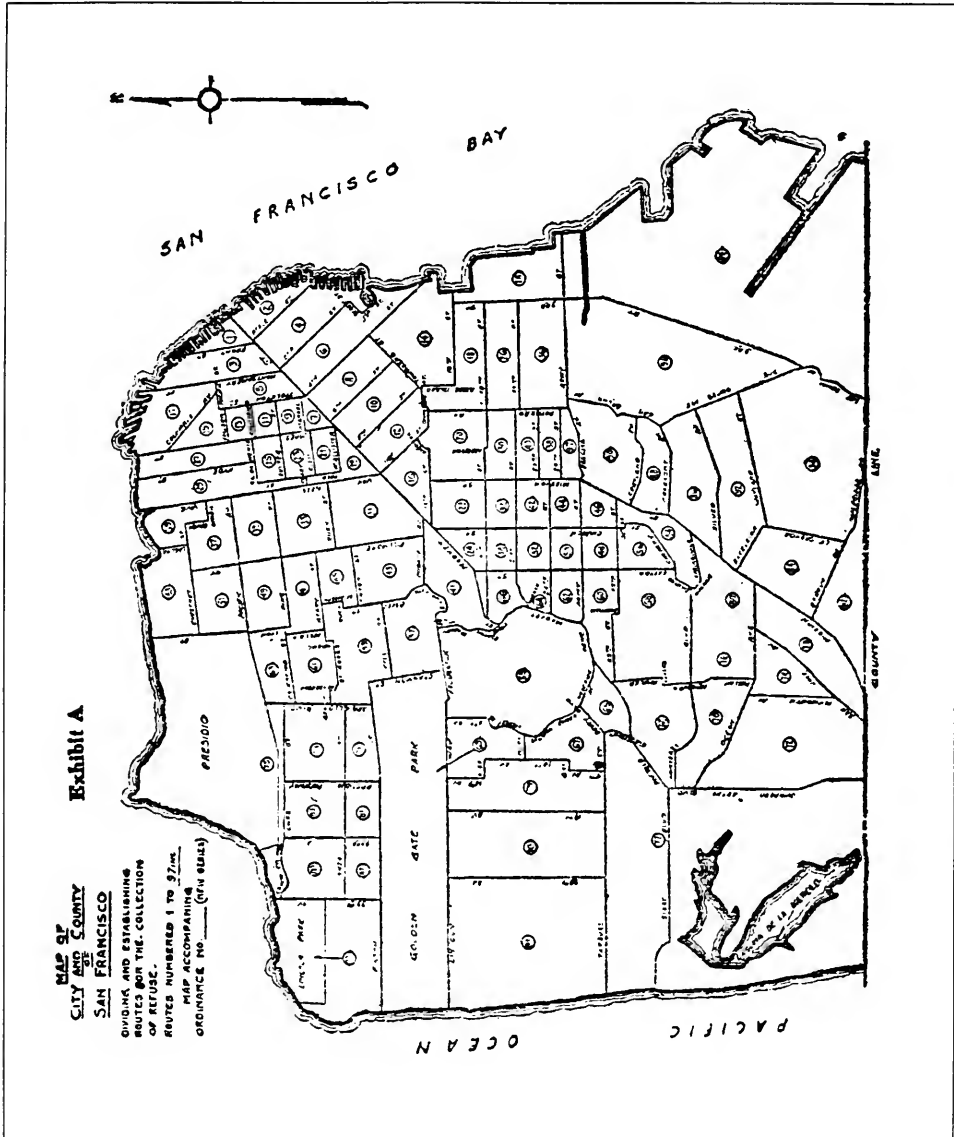
SECTION 4. It shall be unlawful for any person, firm or corporation, other than a refuse collector licensed by the Director of Public Health as in this ordinance provided, to transport through the streets of the City and County of San Francisco any refuse as in this ordinance defined, or to collect or to dispose of the same, except waste paper, or other refuse having a commercial value. It is provided, however, that a license for a refuse collector, as provided in Section 8 hereof, shall be distinguished from a permit to operate, in the City and County of San Francisco on a certain designated route, as hereinafter provided.

Upon the conviction of any person, firm or corporation for any violation of the provisions of this ordinance, the permit of such person, firm or corporation issued under the provisions of this ordinance, shall be forthwith and immediately terminated and canceled as of the date of conviction.

The City and County of San Francisco is herewith divided and established into routes for the collection of refuse, as designated on a map of the City and County of San Francisco, attached hereto, each said route to include only the side of the street or streets bounding each route as designated by a number on said map, said routes being numbered one to ninety-seven, inclusive, and said map and said routes are marked Exhibit A, and attached hereto and made a part of this ordinance.

Any person, firm or corporation desiring to transport through the streets of the City and County of San Francisco, any refuse as herein defined, or to collect or dispose of the same, shall make application to the Director of Public Health for permission so to do. Said application for such permit shall contain the name of the person, firm or corporation, any of the particular route or routes, designated in said map of routes, proposed to be served by said person, firm or corporation, and a statement that said person, firm or corporation will abide by all the provisions of this ordinance, and will not charge a greater rate for the collection and disposition of said refuse than that fixed in or pursuant to this ordinance.

The Director of Public Health shall grant a permit to such applicant unless the route proposed is already adequately served by a licensed refuse collector. An application for a permit must be granted, however, by the said Director of Public Health, and it is mandatory on said director to grant the same, when it shall appear to any said application for a route or routes by a person, firm or corporation, that 20 percent or more of the householders, business men, apartment house owners, hotel keepers, institutions or residents in said route or routes, using refuse service, and paying for same, or obligated to do so, have signed a petition or contract in which they have stated that they are inadequately served by any refuse collector who is then collecting refuse on said route, provided that said director finds upon substantial evidence that such statement is correct. That inadequate service is hereby defined as the failure, on the part of any refuse collector to properly collect, handle or transport refuse on said route, or the overcharging for the collection of same, or insolence towards persons whose refuse has been collected, or the collection by any



refuse collector whose license has been revoked as provided in Section 9 hereof. Such permit so granted by the Director of Public Health shall not be exclusive, however, and one or more persons, firms or corporations may be given a permit to collect on the same route.

Persons, firms or corporations desiring to transport through the streets of the City and County of San Francisco only waste paper or other refuse having a commercial value, and to collect and dispose of same need not obtain a permit therefor under the provisions of this ordinance.

SECTION 5. Refuse collected by refuse collectors shall be disposed of by such persons, firms or corporations and in such manner or by such method or methods as from time to time designated by the Board of Supervisors of the City and County of San Francisco.

Until and unless changed in the manner herein provided, the maximum rate or charge for the disposal of refuse to be charged the refuse collector by any person, firm or corporation authorized by the Board of Supervisors to dispose of refuse shall be \$1.50 per ton. Such rate or charge may, from time to time, be adjusted in the same manner, and in accordance with the same procedures, as is provided for the adjustment of rates and charges for the collection of refuse in Section 6(a) of this ordinance.

Section 6. (a) Until and unless changed in the manner hereinafter set forth, the maximum rates or charges for the collection and disposition of refuse as herein defined, by refuse collectors, from residences, flats and apartment houses of not more than 600 rooms, and the regulations relating to such rates or charges, shall be as follows:

Rate Schedules

Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from the ground floor:

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$.80	\$1.20	\$1.35	\$1.50
5 .....	.85	1.25	1.40	1.55
6 .....	.85	1.25	1.40	1.55
7 .....	.95	1.35	1.50	1.70
8	1.00	1.50	1.70	1.80
9	1.00	1.50	1.70	1.80
10	1.00	1.50	1.70	1.80
11	1.00	1.50	1.70	1.80
12	1.00	1.50	1.70	1.80

Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from second floor, one stairway above ground floor or basement:

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$.85	\$1.25	\$1.40	\$1.55
5 .....	.95	1.35	1.45	1.60
6 .....	.95	1.35	1.45	1.60
7	1.00	1.40	1.55	1.75
8	1.10	1.60	1.80	1.90
9	1.10	1.60	1.80	1.90
10	1.10	1.60	1.80	1.90
11	1.10	1.60	1.80	1.90

12	1.10	1.60	1.80	1.90
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Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from third floor, two stairways above ground floor or basement:

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$.90	\$1.30	\$1.45	\$1.60
5 .....	.95	1.35	1.50	1.65
6 .....	.95	1.35	1.50	1.65
7	1.10	1.55	1.70	1.80
8	1.15	1.70	1.90	2.00
9	1.25	1.75	1.95	2.10
10	1.25	1.75	1.95	2.10
11	1.25	1.75	1.95	2.10
12	1.25	1.75	1.95	2.10

Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from fourth floor, thre stairways above ground floor or basement:

No. Rooms	Collections Per Week			
	1.	2.	3.	4.
1 to 4	\$1.00	\$1.40	\$1.55	\$1.70
5	1.10	1.50	1.65	1.80
6	1.10	1.50	1.65	1.80
7	1.20	1.60	1.75	1.90
8	1.20	1.70	1.90	2.05
9	1.25	1.75	1.95	2.10
10	1.25	2.00	2.20	2.40
11	1.25	2.00	2.20	2.40
12	1.25	2.00	2.20	2.40

Monthly rates from apartment houses:

No. Rooms	Collections Per Week				
	6.	4.	3.	2.	1.
10	\$ 3.00	\$ 2.40	\$2.20	\$1.90	\$1.80
20	5.70	4.90	4.40	3.90	3.70
30	7.90	6.40	5.90	5.20	.....
40	9.80	8.70	7.40	.....	.....
50	11.30	10.20	8.70	.....	.....
60	12.50	11.50	.....	.....	.....
70	13.80	12.90	.....	.....	.....
80	15.00	14.00	.....	.....	.....
90	16.30	15.20	.....	.....	.....
100	17.50	16.20	.....	.....	.....
110	19.00	.....	.....	.....	.....
120	20.40	.....	.....	.....	.....

130	21.80	.....	.....	.....	.....
140	23.20	.....	.....	.....	.....
150	24.50	.....	.....	.....	.....
160	25.90	.....	.....	.....	.....
170	27.30	.....	.....	.....	.....
180	28.70	.....	.....	.....	.....
190	30.00	.....	.....	.....	.....
200	31.40	.....	.....	.....	.....
210	32.50	.....	.....	.....	.....
220	33.80	.....	.....	.....	.....
230	35.00	.....	.....	.....	.....
240	36.30	.....	.....	.....	.....
250	37.50	.....	.....	.....	.....
260	38.80	.....	.....	.....	.....
270	40.00	.....	.....	.....	.....
280	41.30	.....	.....	.....	.....
290	43.80	.....	.....	.....	.....
300	45.00	.....	.....	.....	.....
310	46.30	.....	.....	.....	.....
320	47.50	.....	.....	.....	.....
330	48.80	.....	.....	.....	.....
340	50.00	.....	.....	.....	.....
350	51.30	.....	.....	.....	.....
360	52.50	.....	.....	.....	.....
370	53.80	.....	.....	.....	.....
380	56.30	.....	.....	.....	.....
390	57.50	.....	.....	.....	.....
400	58.80	.....	.....	.....	.....
410	59.00	.....	.....	.....	.....
420	60.40	.....	.....	.....	.....
430	61.80	.....	.....	.....	.....
440	63.20	.....	.....	.....	.....
450	64.50	.....	.....	.....	.....
460	65.90	.....	.....	.....	.....
470	67.30	.....	.....	.....	.....
480	68.70	.....	.....	.....	.....
490	70.00	.....	.....	.....	.....
500	71.40	.....	.....	.....	.....
510	72.80	.....	.....	.....	.....
520	74.20	.....	.....	.....	.....
530	75.50	.....	.....	.....	.....
540	76.90	.....	.....	.....	.....
550	78.30	.....	.....	.....	.....
560	79.70	.....	.....	.....	.....
570	82.30	.....	.....	.....	.....
580	82.40	.....	.....	.....	.....
590	83.80	.....	.....	.....	.....
600	85.00	.....	.....	.....	.....

Rate Regulations

Rates for residences and flats shall be increased for more than one container of a maximum of 32 gallons by 10 cents per additional container per collection.

Any charge made by a refuse collector for removal of waste material not required to be placed in metal cans and which is delivered to him in other suitable containers as provided by Section 3 hereof, shall not exceed the rates fixed herein for collection and disposal of equivalent volumes of refuse in metal cans.

In determining the number of rooms of any household, building or apartment in order to ascertain the rate for the collection and disposition of refuse therefrom, halls, alcoves, storerooms, bathrooms, closets and toilets shall not be considered as rooms, nor shall basements or attics be considered as rooms unless the same be occupied as living quarters.

Any collection and disposition charges not specifically set forth herein shall be subject to agreement between the producer and a duly licensed refuse collector.

Procedure for Adjustment

There is hereby created a Rate Board consisting of the Chief Administrative Officer, who shall act as chairman, the Controller, and the Manager of Utilities. The Board shall convene upon call of the Chairman or the other two members and two members shall constitute a quorum. The Board shall act by majority vote. Any member of the Board may from time to time designate a subordinate from his own department to act in his place and stead as a member of the Board.

Any person, firm or corporation (including any holder of a permit to collect and dispose of refuse) affected by the above schedules of rates, or by revised schedule of rates hereafter placed in effect, and desiring an increase, decrease, or other adjustment or change in, or addition to, such rates or schedules or the regulations appertaining, shall file an application therefor with the Chairman of the Rate Board, who shall thereupon refer the same to the Director of Public Works for hearing, report and recommendation as hereinafter provided, unless the Rate Board shall determine that the application lies beyond its powers or presents no substantial question as to the justice or reasonableness of the rates, schedules of rates or regulations then in effect or is otherwise frivolous, in any of which events the Rate Board shall deny the application without further proceedings thereon.

Within 30 days thereafter, the Director of Public Works shall commence a public hearing upon the application and shall, not less than 20 days in advance of such hearing, cause to be published at least once in the official newspaper notice of the time and place thereof. The Director of Public Works shall be empowered to make or cause to be made such studies and investigations as he may deem pertinent to the application, to continue the hearing from time to time for that purpose, and to introduce the results of such studies and investigations in evidence. The applicant, and any person, firm or corporation affected by the application, shall be entitled to appear at the hearing and be heard. Any such person, firm or corporation desiring notice of further proceedings or action upon the application may file with the Chairman of the Rate Board a written request for such notice, setting forth his name and mailing address.

Upon the conclusion of the hearing and within 90 days after referral to him of the application, the Director of Public Works shall make and file with the Chairman of the Rate Board a Report setting forth the facts as found by him from the evidence taken and record made at the hearing, and a Recommended Order. The Recommended Order, if it provides for any change in the rates, schedules of rates, or regulations then in effect, shall set forth the date upon which the change is to take effect, which date shall be not less than 15 days from the date of filing of the Recommended Order with the Chairman of the Rate Board. The Chairman of the Rate Board shall publish the Recommended Order, together with notice of filing thereof, in the official newspaper, and shall mail notice of the filing of the Report and Recommended Order to the applicant and to any others who shall have filed written requests for notice as hereinabove provided.

At any time, within 15 days after filing of the Director of Public Works' Report and Recommended Order with the Chairman of the Rate Board, the applicant or any person, firm or corporation affected by the application, may file with the Chairman of the Rate Board any objections that he may have to the Recommended Order. If no such objections be filed, then the Recommended Order shall be deemed the Order of the Rate Board and shall take effect according to its terms without other or further action by the Rate Board. If any such objections be filed, then the Rate Board, upon not less than 10 days notice by mail to the applicant and to others who shall have filed written requests for notice as hereinabove provided, shall hear the objections and, upon the basis of the evidence taken and record made upon the hearing before the Director of Public Works, shall grant or deny the application in whole or in part and shall make such order, to take effect at such time, as may be just and reasonable. In the event of inability or failure of the Rate Board to render a decision within 60 days of the date of filing with it of the Director of Public Work's Report and Recommended Order, then the said Recommended Order shall be deemed the order of the Board and shall take effect upon expiration of said 60 day period.

Any revised rates, schedules of rates or regulations placed in effect pursuant hereto shall be just and reasonable.

An application filed pursuant to this section and denied in whole or in part may not be renewed for a period of one year from the date of filing in the absence of an intervening change in conditions.

(b) Any collection and disposition of rates or charges for establishments other than residences, flats and apartment houses of not more than 600 rooms, shall be subject to contract between the producer and a duly licensed refuse collector.

SECTION 7. It shall be unlawful for any refuse disposer or refuse collector to charge a greater rate for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.

Nothing herein contained shall be taken or construed as preventing a refuse disposer or a refuse collector from charging a lesser rate or charge for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.

SECTION 8. Each licensed refuse collector shall be assigned a number by the Director of Public Health. The Director of Public Health shall furnish each

collector a metal badge on which is marked the number assigned the collector, who at all times while collecting refuse shall wear said badge in plain view. The Director of Public Health shall collect from each collector for the expense of providing said badge and the issuance of said license the sum of \$5. Each vehicle or wagon in which refuse is transported through the streets shall be assigned a number by the Director of Public Health and the number thereof shall be plainly marked thereon.

SECTION 9. The license, as distinguished from a permit herein, of any refuse collector, may be revoked by the Director of Public Health for failure on the part of the refuse collector to properly collect refuse, or for overcharging for the collection of same, or for insolence towards persons whose refuse he is collecting, and it shall be unlawful for any person whose license is so revoked to collect refuse in the City and County of San Francisco.

No license of a refuse collector shall be revoked except upon a hearing of which the refuse collector has been given a notice of at least three days.

SECTION 10. Upon the payment of the rate fixed in or pursuant to Section 6(a) of this ordinance for the collection and removal of refuse, the person paying the same shall be entitled to, and there shall be delivered to him, a receipt on which shall be shown the amount paid, the premises for which it is paid, the name and number of the collector, the number of the vehicle or wagon, and, in clearly legible print, the schedule of rates applicable to his classification of establishment. On the face of said receipt there shall be printed the following words: "The rates for the collection of refuse are fixed pursuant to initiative ordinance and are printed on the back of this receipt. Complaints as to service should be made to the Department of Public Health."

Upon the payment of a rate fixed by contract pursuant to Section 6(b) hereof, the person paying the same shall be given a receipt which shall show the amount paid, the period for which paid, the premises for which paid, the name and number of the collector and the date of payment, and shall bear the notation that the rate charged is subject to private contract.

SECTION 11. Disputes over charges made by collectors or as to the character of the service performed shall be decided by the Director of Public Health. Any charges made in excess of rates fixed pursuant to this ordinance, when determined by the Director of Public Health, shall be refunded to the person or persons who paid the excess charge.

SECTION 12. A refuse collector shall be entitled to payment for the collection of refuse at the end of each month from each householder or landlord served by him and from whom the payment is due.

SECTION 13. The initiative ordinance passed by the People of the City and County of San Francisco on June 14, 1927, providing for the collection and disposition of refuse in the City and County of San Francisco; providing for the licensing of refuse collectors by the Board of Health; fixing the maximum rates or charges for the collection of refuse by licensed refuse collectors from homes and

apartment houses; dividing City and County of San Francisco into collection routes; and providing penalties for the violation of the provisions of this ordinance, and all other ordinances in conflict therewith, are herewith repealed.

SECTION 14. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

SECTION 15. This ordinance shall take effect ten days after the declaration of the official count of the votes cast therefor; provided, however, that for the purpose of issuing licenses to refuse collectors, application may be filed and the licenses issued during the period between the final approval of this ordinance and the date of its taking effect.

SECTION 16. The Controller shall furnish the Director of Public Health with such financial data, including data as to the cost of refuse collections, as may be required by the Director to enable him to perform his functions under this ordinance. The Controller shall likewise make available at any hearing before the Director of Public Works upon an application filed pursuant to Section 6 hereof such financial data, including data as to the cost of refuse collections, as the Director of Public Works may deem pertinent to the issues raised by the application. Each collector holding a permit shall keep such records and render such reports as may be required by the Controller to enable him to develop the above-mentioned data, and the Controller shall have access to such records.

SECTION 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. It is hereby declared that this act, and each section, subsection, sentence, clause and phrase thereof, would have been passed irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases had been declared unconstitutional. (Adopted, 1932; amended, 1946; 1954; 1960)

REGULATION OF STREET RAILWAY CARS

Adopted May 2, 1935

Providing for the Operation of Street Railway Cars by a Motorman and Conductor, Specifying the Entrance Age of Employees on Street Railways, and Providing a Penalty for Violations Thereof.

*Be it Ordained by the People of the City and County
of San Francisco:*

SECTION 1. Every street railway car and every cable car while carrying passengers in the City and County of San Francisco, except street railway cars acquired or to be acquired by the City and County of San Francisco subsequent to January 1, 1939, shall be in charge of a motorman or a gripman and a conductor; every motorman and gripman and conductor employed in the operation of any street railway car or cable car must be an adult of not less than 21 years of age.

This ordinance shall not be repealed, modified or amended except by vote of the electorate.

SECTION 2. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined for each offense, not less than \$50 nor more than \$300, or by imprisonment for a term not exceeding six months in the County Jail of the City and County of San Francisco, or by both such fine and imprisonment. (**Adopted, 1935; amended, 1954**)

REGULATING SALE OF FRESH MEAT

Adopted November 5, 1968

Repealing Sections 557, 558 and 798, Part II, Chapter V, San Francisco Municipal Code (Health Code) relating to hours of business for sale of fresh meats and poultry.

SECTION 1. Sections 557, 558 and 798, Part II, Chapter V (Health Code) of the San Francisco Municipal Code are hereby repealed.

SECTION 2. No laws shall hereafter be enacted by the governing body of the City and County of San Francisco, State of California, which would prevent the sale of fresh meat and poultry in San Francisco between the hours of 6:00 P.M. and 7:00 A.M., and on Sundays and Holidays, provided that such sales of fresh meat and poultry shall be subject to those laws heretofore or hereafter enacted which regulate the sale of fresh meat and poultry during the other hours of sale.

STREET ARTIST ORDINANCE

Adopted November 4, 1975

An Ordinance relating to the Regulation of Street Artists and Craftsmen, establishing an Advisory Committee of Street Artists and Craftsmen Examiners, prescribing certification procedures, and procedure for designation of sales areas; and repealing initiative approved as Proposition "J" at the election held on June 4, 1974.

*Be it ordained by the people of the City and County
of San Francisco:*

SECTION 1. An ordinance is hereby enacted and approved, regulating certain activities of street artists and craftsmen, reading as follows:

REGULATING STREET ARTISTS AND CRAFTSMEN

- Sec. 1. Definitions.
- Sec. 2. Advisory Committee of Street Artists and Craftsmen Examiners; Establishment; Appointments; Compensation; Terms; Chairman; Secretary.
- Sec. 3. Application.
- Sec. 4. Examination.
- Sec. 5. Issuance of Certificate.
- Sec. 6. Certificate Fee; Period.
- Sec. 7. Regulating Street Artists and Craftsmen.
- Sec. 8. Designation of Sales Areas.
- Sec. 9. Repeal.

Sec. 1 **Definitions.** For the purposes of this ordinance the following words or phrases shall mean or include:

- (a) "Art Commission". The Art Commission of the City and County.
- (b) "Advisory Committee". The Advisory Committee of Street Artists and Craftsmen Examiners of the City and County.
- (c) "City and County". The City and County of San Francisco.
- (d) "Family Unit". Two or more persons jointly engaged in the creation or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members thereof, or, two or more physically or mentally handicapped persons participating in a formal rehabilitation program a part of which includes activities for the creation of arts and crafts by said persons.
- (e) "Person". Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character; provided, however, that whenever a right, privilege, or power is conferred upon a person by the provisions of this ordinance, the term "person" shall mean an individual natural person.

Sec. 2. **Advisory Committee of Street Artists and Craftsmen Examiners; Establishment; Appointment; Compensation; Terms; Chairman; Secretary.**

There is hereby established an Advisory Committee of Street Artists and Craftsmen Examiners who shall advise the Art Commission on matters relating to the wares produced by street artists and to perform such other functions as shall from time to time be deemed appropriate by the Commission. The Advisory Committee shall consist of five members to be appointed by the Mayor. Four of said members shall be experienced artists or craftsmen and each such member shall be appointed from among three persons whose names shall have been submitted to the Mayor for appointment by the Art Commission, and one of the members shall be an art educator. Each member shall be compensated for the time he or she spends in this capacity as assigned by the Chairman at a rate of pay to be established from time to time by the Board of Supervisors. The term of each member shall be two years, provided that the five members first appointed by the Mayor shall, by lot, classify their terms so that the terms of two members shall be for a period of one year and the terms of three members shall be for a period of two years, and upon the expiration of these and successive terms, the Mayor shall appoint their successors for a two-year term in a manner similar to that described herein for the initial members. In the event a vacancy occurs during the term of office of any member, the Mayor shall appoint for the unexpired term of the office vacated, a successor in a manner similar to that described herein for the initial members. The Advisory Committee shall elect from its members a Chairman and a Secretary to hold office for one year, or until their successors are duly elected and qualified. The Secretary shall keep an accurate record of all proceedings of the Advisory Committee which shall be open to inspection by the public at all times.

Sec. 3. Application. Every person desiring certification as a street artist or craftsman pursuant to this ordinance shall file an application with the Art Commission upon a form provided by said Commission. Except as otherwise provided for herein, said application shall specify:

(a) the applicant's residence address, place of employment where the work of art is produced and the mailing address of a person through whom the applicant may always be reached shall appear on the application.

(b) a description of the art or craft item for which the applicant seeks certification.

(c) a declaration under penalty of perjury that the art or craft item for which he seeks certification is of his own creation or the creation of his family unit, and that he neither employs other persons nor is employed by another person in the production of the art or craft item for which he seeks certification.

Sec. 4. Examination. Upon receipt of an application filed pursuant to this ordinance, the Executive Director of the Art Commission shall fix a date for Advisory Committee consideration and action upon said application and shall notify the applicant of said date.

In its consideration of an application, the Art Commission shall examine representative samples of the applicant's work for the purposes of verifying the information set forth in the application. After such examination, and for the purposes of further investigation, the Art Commission may designate one or more of its members to visit the studio or workshop of the applicant to view the applicant's facilities and to further verify that the art or craft item for which the applicant seeks certification of his own creation or those of his family unit.

Sec. 5. Issuance of Certificate. If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Commission, upon payment of the certificate fee fixed by this ordinance, the Executive Director of the Art Commission shall issue a certificate to the applicant, duly signed, and shall show therein that the person named therein passed the examination and is entitled to engage in the display and sale of the specific art or craft item set forth in said certificate in accordance with the provisions of this ordinance.

Sec. 6. Certificate Fee; Period. The fee for any certificate issued pursuant to the provisions of this ordinance shall be \$20.00 and said certificate shall be valid for a period of three months from the date of issuance; except that any person certified pursuant to the provisions of this ordinance shall have the option of purchasing for \$80.00 a certificate valid for a period of one year from the date of issuance. The Board of Supervisors may increase the certificate fee when necessary in order to finance the costs of the Art Commission in administering and enforcing the provisions of this ordinance. (Amended November, 1983)

Sec. 7. Regulating Street Artists and Craftsmen.

(a) It shall be unlawful for any person to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of his own creation on any public street or public place where such activities are permitted, unless duly certified as a street artist or craftsman pursuant to the provisions of this ordinance, or duly licensed as a peddler pursuant to the provisions of Section 132.1 of Part III of the San Francisco Municipal Code.

(b) It shall be unlawful for any person certified as a street artist or craftsman pursuant to the provisions of this ordinance to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of his own creation on any public street or public place where such activities are not permitted, unless duly licensed as a peddler pursuant to the provisions of Section 132.1 of Part III of the San Francisco Municipal Code.

(c) All or part of funds derived from the fees paid by street artists and craftsmen may be assigned by the Board of Supervisors to the Art Commission for use in paying members of the Advisory Committee as set forth in Section 2 above and to the San Francisco Police Department for enforcement of this Proposition.

Sec. 8. Designation of Sales Areas. The Board of Supervisors, by resolution after public hearings thereon, may designate areas in or on any public street or public place where any street artist or craftsman certified pursuant to the provisions of this ordinance may sell, offer for sale, expose for sale, or solicit offers to purchase any art or craft item of his own creation; provided, however, that any designation of an area in a public place under the jurisdiction of an officer, board or commission of the City and County shall be subject to the approval of such officer, board or commission. In designating such areas, the Board of Supervisors may impose such conditions and limitations as, in its discretion, are necessary to prevent any undue interference with normal pedestrian or vehicular traffic, or any damage to surrounding property, including interference with use, view or enjoyment of public parks.

Sec. 9. **Repeal.** The initiative ordinance relative to permits and licenses for street artists, approved by the electorate as Proposition “J” on the ballot for the election held in the City and County of San Francisco on June 4, 1974, is hereby repealed.

ORDINANCE PROVIDING FOR THE REGULATION OF TAXICABS AND OTHER MOTOR VEHICLES FOR HIRE

Adopted June 6, 1978

An Ordinance providing regulations, policies and procedures relating to the issuance by the Police Commission of permits for taxicabs and other motor vehicles for hire in the City and County of San Francisco; regulating the times for operation under such permits, nontransferability of permits, surrender and exchange of existing permits; provisions as to corporate permittees, financial and accounting records, and certain aspects of taxicab rates; repealing various sections of Parts II and III of the San Francisco Municipal Code; providing for severability.

Be it Ordained by the People of the City and County of San Francisco:

SECTION 1. The qualified electors of the City and County of San Francisco hereby declare it shall be the law of the City and County of San Francisco that:

(a) All taxicab permits and other vehicle for hire permits issued by the City and County of San Francisco are the property of the people of the City and County of San Francisco and shall not be sold, assigned or transferred; and

(b) The Chief of Police of the City and County of San Francisco shall have the responsibility of establishing regulations to assure prompt, courteous and honest service to the riding public; and

(c) The taxicab business shall operate under the principles of free enterprise and that taxicab operators may charge less than the maximum rate of fare set by law, as set forth below.

(d) The Police Commission shall issue a sufficient number of permits to assure adequate taxicab service throughout the City and County of San Francisco.

SECTION 2. The Application For A Permit. (a) Any applicant for a permit to operate a taxicab or other vehicle for hire shall apply to the Police Commission for its declaration of public convenience and necessity on blanks to be furnished by the Secretary of the Police Commission, and within 15 days of the filing of such an application the Secretary of the Police Commission shall have a notice published in the official newspaper of the City and County of San Francisco. The notice shall state that an application has been filed for a license or permit to operate a taxicab or other motor vehicle for hire or motor vehicle for hire business, the name of the applicant, the kind of equipment, and the number of taxicabs or other vehicles for hire which the applicant desires to operate. The notice shall be published for three successive days.

The applicant shall pay to the City and County of San Francisco a sum to cover the costs of advertising and investigating and processing the application for each permit, such sum to be determined periodically as appropriate by the Police Commission.

Protests against the issuing of a permit may be filed with the Police Commission. The Police Commission shall consider all protests and in conducting its

hearing shall have the right to call such witnesses as it desires. In all such hearings the burden of proof shall be upon the applicant to establish by clear and convincing evidence which shall satisfy the Police Commission, that public convenience and necessity require the operation of the vehicle or vehicles for which permit application has been made, and that such application in all other respects should be granted.

(b) No permit shall be issued unless the person applying for the permit shall declare under penalty of perjury his or her intention actively and personally to engage as permittee-driver under any permit issued to him or her for at least four hours during any 24 hour period on at least 75 percent of the business days during the calendar year. No more than one permit shall be issued to any one person.

(c) For two years from the effective date of this Ordinance, a preference in the issuance of any permit shall be given to any person who has driven a taxicab or other motor vehicle for hire in the City and County of San Francisco for at least one consecutive 12 month period during any of the three calendar years immediately prior to the filing of an application for issuance of such permit.

(d) No permit shall be issued except to a natural person and in no case to any business, firm, partnership or corporation.

(e) Subject to any other preference created in this Ordinance, all applications for a permit to operate a taxicab or other motor vehicle for hire shall be processed and considered in the order of their receipt by the Police Commission.

(f) No part of this Section 2 shall apply to any permit holder described in subparagraph (b) of Section 4 of this Ordinance.

SECTION 3. Facts to be Considered by Police Commission. The Police Commission, in determining whether or not public convenience and necessity exist for the issuance of a permit, may consider such facts as it deems pertinent, but must consider whether:

(a) The applicant is financially responsible and will maintain proper financial records.

(b) The public will not be adequately or properly served unless the application is granted.

(c) The applicant has complied with all provisions of the Municipal Code, including pertinent motor vehicle laws.

(d) The applicant will be a full-time driver, within the meaning of Section 2(b) of this Ordinance, of the taxicab or other motor vehicle for hire.

SECTION 4. Continuous Operation. (a) All permittees within the purview of Section 1075 of Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) shall regularly and daily operate their taxicab or other motor vehicle for hire business during each day of the year to the extent reasonably necessary to meet the public demand for such taxicab or motor vehicle for hire service.

Upon abandonment of such business for a period of 10 consecutive days by a permittee or operator, the Police Commission shall, after five days' written notice to the permittee or operator, revoke the permit or permits of such permittee or operator; provided, however, that the Chief of Police, subject to the approval of the Police Commission and only after a thorough investigation, may on written

application grant to the holder of any permit hereunder permission to suspend operation pursuant to such permit for a period not to exceed 90 calendar days in any one 12 month period in case of sickness, death, or other similar hardship.

No permit issued under this Ordinance shall be transferrable or assignable, either expressly or by operation of law. All such permits and all rights granted under them may be rescinded and ordered revoked by the Police Commission for good cause.

(b) All persons, businesses, firms, partnerships, corporation or other entities who possess outstanding permits to operate a motor vehicle for hire on the effective date of this section must surrender and exchange any such permits for new permits within 60 days of the effective date of this section. The new permits shall be non-transferrable and non-assignable either expressly or by operation of law. Any such surrender and exchange shall be without fee to the permit holder. From and after the sixty-first day after the effective date of this section, all permits not surrendered for new permits shall be void and continuance of operation under any such void permits shall be punishable by a \$500 fine and 30 days incarceration in the county jail for each such void permit so used.

SECTION 5. Corporate Permittee. (a) If any permittee is a corporation, any sale or other transfer of 10 percent or more of the stock ownership or assets of the permittee, resulting from any transaction or series of transactions and computed on a cumulative basis, will be deemed to be a sale or transfer and the permit therefore shall be null and void, unless approved by the Police Commission in conformity with the requirements of this Ordinance.

(b) Any corporation holding a permit hereunder shall maintain a stock register at the principal office of the corporation in San Francisco and the stock register shall be available to the Police Department for inspection. Such corporation shall report to the department, in writing any of the following:

(i) Issuance or transfer of any shares of stock to any person where the issuance or transfer results in the person owning 10 percent or more of the corporate stock.

(ii) Change in any of the corporate officers which are required by Section 821 of the California Corporations Code.

(iii) Change of any members of its board of directors.

(c) Any report required pursuant to Subparagraph (b) hereof shall be filed with the Police Department within 10 days of the change, sale or transfer to be reported.

SECTION 6. Maintaining Financial and Accounting Records. The Controller of the City and County of San Francisco shall have the responsibility of establishing regulations for the keeping and filing of financial statements and accounting books and records by every holder of a taxicab permit or other type of permit under this Ordinance. The purpose of such regulations is to provide information to the Board of Supervisors for ordinances respecting maximum rates of fares or other charges and to the Police Commission for the performance of its duties under the law. Failure of any permit holder to comply with the Controller's regulations may be cause for revocation of all rights granted to a permit holder to operate a taxicab or other vehicle for hire.

SECTION 7. Rates for Taxicabs. Notwithstanding any provision of the San Francisco Municipal Code, any person, firm or corporation operating a taxicab or taxicabs may set a rate of fare lower than the maximum rate which may be set from time to time by appropriate ordinance; provided, however, that any such lower rate shall be filed with the Board of Supervisors in writing prior to June 1st of any year, and, if approved by the Board, shall remain in effect until September 1st of the following year.

SECTION 8. Sections 1076, 1077, 1079 and 1135(B) of Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) are hereby repealed.

SECTION 9. Sections 128.1, 128.2 and 128.3 of Part III, Article 2 of of the San Francisco Municipal Code, are hereby repealed.

SECTION 10. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The qualified electors of the City and County of San Francisco hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentence, clause or phrases be declared unconstitutional, invalid or ineffective.

NONPROFIT GARAGE CORPORATIONS

Adopted June 3, 1980

Amending Part III, San Francisco Municipal Code, by adding Section 1004.16 thereto, relating to nonprofit garage corporations, providing for effective date of July 1, 1980.

*Be it ordained by the People of the City and County
of San Francisco:*

SECTION 1. Article 12-B of Part III, San Francisco Municipal Code (Business Tax Ordinance) is hereby amended by adding Section 1004.16 thereto, reading as follows:

Sec. 1004.16. Nonprofit Garage Corporations.

For every person engaged in business as a nonprofit garage corporation, the tax shall be \$250 per year or fractional part thereof for the first \$1,000 or less of gross receipts, plus \$250 per year for each additional \$1,000 of gross receipts, or fractional part thereof in excess of \$1,000.

As used herein, the term "nonprofit garage corporation" shall mean any nonprofit corporation formed for the express purpose of aiding and assisting the City and County of San Francisco in constructing a public off-street parking facility, which such nonprofit corporation has issued revenue bonds, the interest on which is exempt from federal income tax and which bonds or a portion thereof is outstanding. Notwithstanding any other provision herein, a nonprofit garage corporation which receives revenues by reason of its interest in a public off-street parking facility shall be deemed to be engaged in business for purposes of this ordinance.

Nothing contained herein shall reduce or repeal the San Francisco Parking Tax (Ordinance No. 286-70) imposed on occupants of parking stations; nor shall anything contained herein reduce or repeal any San Francisco tax as applied to any person who is not a "nonprofit garage corporation," even if said person is an operator, manager or lessee of a public off-street parking facility.

SECTION 2. Effective Date. This ordinance shall become effective on July 1, 1980.

SECTION 3. The Board of Supervisors shall adopt appropriate amendments to Article 12B of Part III, San Francisco Municipal Code to implement the tax on nonprofit garage corporations.

SMOKING POLLUTION CONTROL ORDINANCE

Adopted November 8, 1983

Regulating smoking in the office workplace.

*Be it ordained by the People of the City and County
of San Francisco:*

SECTION 1. Part II, Chapter V, of the San Francisco Municipal Code (Health Code) is hereby amended by adding Article 19 thereto, reading as follows:

Article 19 SMOKING POLLUTION CONTROL

Section 1000. **Title.** This Article shall be known as the Smoking Pollution Control Ordinance.

Section 1001. **Purpose.** Because the smoking of tobacco or any other weed or plant is a danger to health and is a cause of material annoyance and discomfort to those who are present in confined places, the Board of Supervisors hereby declares that the purposes of this article are (1) to protect the public health and welfare by regulating smoking in the office workplace and (2) to minimize the toxic effects of smoking in the office workplace by requiring an employer to adopt a policy that will accommodate, insofar as possible, the preferences of nonsmokers and smokers and, if a satisfactory accommodation cannot be reached, to prohibit smoking in the office workplace.

This ordinance is not intended to create any right to smoke or to impair or alter an employer's prerogative to prohibit smoking in the workplace. Rather, if an employer allows employees to smoke in the workplace, then this ordinance requires (1) that the employer make accommodations for the preferences of both nonsmoking and smoking employees, and (2) if a satisfactory accommodation to all affected nonsmoking employees cannot be reached, that the employer prohibit smoking in the office workplace.

Section 1002. **Definitions.** For the purposes of this Article:

- (1) "City" means the City and County of San Francisco;
- (2) "Board of Supervisors" means the Board of Supervisors of the City and County of San Francisco;
- (3) "Person" means any individual person, firm, partnership, association, corporation, company, organization, or legal entity of any kind;
- (4) "Employer" means any person who employs the services of an individual person;
- (5) "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit;
- (6) "Office Workplace" means any enclosed area of a structure or portion thereof intended for occupancy by business entities which will provide primarily clerical, professional or business services of the business entity, or which will

provide primarily clerical, professional or business services to other business entities or to the public, at that location. Office workplace includes, but is not limited to, office spaces in office buildings, medical office waiting rooms, libraries, museums, hospitals and nursing homes;

(7) "Smoking" or "to smoke" means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant; and

(8) "Enclosed" means closed in by a roof and four walls with appropriate openings for ingress and egress and is not intended to mean areas commonly described as public lobbies.

Section 1003. Regulation of Smoking in the Office Workplace

(1) Each employer who operates an office or offices in the city shall within three months of adoption of this ordinance, adopt, implement and maintain a written Smoking Policy which shall contain, at a minimum, the following provisions and requirements:

(a) Any nonsmoking employee may object to his or her employer about smoke in his or her workplace. Using already available means of ventilation or separation or partition of office space, the employer shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of nonsmoking and smoking employees. However, an employer is not required by this ordinance to make any expenditures or structural changes to accommodate the preferences of nonsmoking or smoking employees.

(b) If an accommodation which is satisfactory to all affected nonsmoking employees cannot be reached in any given office workplace, the preferences of nonsmoking employees shall prevail and the employer shall prohibit smoking in that office workplace. Where the employer prohibits smoking in an office workplace, the area in which smoking is prohibited shall be clearly marked with signs.

(2) The Smoking Policy shall be announced within three weeks of adoption to all employees working in office workplaces in the city and posted conspicuously in all workplaces under the employer's jurisdiction.

Section 1004. Where Smoking Not Regulated.

This Article is not intended to regulate smoking in the following places and under the following conditions within the city:

- (1) A private home which may serve as an office workplace;
- (2) Any property owned or leased by state or federal government entities;
- (3) Any office space leased or rented by a sole independent contractor;
- (4) A private enclosed office workplace occupied exclusively by smokers, even though such an office workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

Section 1005. Penalties and Enforcement.

(1) The Director of Public Health shall enforce Section 1003 hereof against violations by either of the following actions:

- (a) Serving notice requiring the correction of any violation of this Article;

(b) Calling upon the City Attorney to maintain an action for injunction to enforce the provisions of this Article, to cause the correction of any such violation, and for assessment and recovery of a civil penalty for such violation;

(2) Any employer who violates Section 1003 hereof may be liable for a civil penalty, not to exceed \$500, which penalty shall be assessed and recovered in a civil action brought in the name of the People of the City and County of San Francisco in any court of competent jurisdiction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid to the Treasurer of the City and County of San Francisco.

(3) In undertaking the enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

JAIL COST REIMBURSEMENT

Adopted June 5, 1984

Amending Article V, Chapter 10, of the San Francisco Administrative Code by adding Section 10.39-2 thereto to provide for the collection of costs of incarceration in a County Jail or other local detention facility.

*Be it ordained by the People of the City and County
of San Francisco:*

SECTION 1. Article V, Chapter 10, of the San Francisco Administrative Code is hereby amended by adding Section 10.39-2 thereto, reading as follows:

Section 10.39-2. Director of Adult Probation Department to Recover Costs of Incarceration.

The director of the adult probation department is designated as the county officer of San Francisco responsible for collection of monies ordered by the courts pursuant to Section 1203.1c of the California Penal Code, and shall make inquiry into the ability of the defendant to pay all or a portion of the costs of incarceration, develop a scale for determining a defendant's ability to pay such costs, develop payment schedules, receive payments, and deposit into the general fund through the county treasurer any funds determined by a court to be the amounts to be reimbursed by such defendant to the county in a manner in which the court believes reasonable and compatible with the defendant's financial ability.

The director of the adult probation department shall base the costs of incarceration, including costs of booking, upon a determination made by the Sheriff and approved by the controller, to be reviewed annually by the board of supervisors, of the average per-day costs of incarceration in the county jail or other local detention facility. The board of supervisors may adopt such further legislation as is necessary to effectuate the purpose of this ordinance, but not to repeal the collection of monies pursuant to Section 1203.1c of the California Penal Code.

PARK SHADOW BAN

Adopted June 5, 1984

An Ordinance which prohibits building permits for certain structures which will cast a substantial shadow on Recreation and Park Department property, except on prior approval of the City Planning Commission pursuant to the ordinance, with certain exceptions.

*Be it ordained by the People of the City and County
of San Francisco:*

No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this ordinance; provided, however, that the provisions of this ordinance shall not apply to building permits authorizing: structures which do not exceed 40 feet in height; structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset; structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes; structures of the same height and in the same location as structures in place on June 6, 1984; projects for which a building permit application has been filed and either:

(i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Department of City Planning, or

(ii) a Negative Declaration has been published by the Department of City Planning prior to the date of adoption of this initiative ordinance; or projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

The City Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this ordinance if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant.

The City Planning Commission shall not make the determination required by the provisions of this subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an opportunity to review and comment to the City Planning Commission upon

the proposed project. The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this ordinance.

The zoning administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this subsection, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the City Planning Commission meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the open space acquisition and park renovation fund which property is to be placed under the jurisdiction of the Recreation and Park Commission. The provisions of this ordinance shall also be incorporated into the City Planning Code.

COMPENSATED ADVOCACY AND OFFICEHOLDER ACCOUNTS

Adopted June 3, 1986

An ordinance prohibiting compensated advocacy by city officers and state legislators before any city commission, and limiting the amount any person may contribute to a candidate for municipal office to \$500 and prohibiting the establishment of officer accounts for the solicitation and expenditure of funds.

*Be it ordained by the People of the City and County
of San Francisco:*

Section 1. The People of the City and County of San Francisco desire and are entitled to a local government whose officers do not engage in, assist or promote compensated advocacy on behalf of private interest before City and County commissions and boards while also serving as City and County officers.

Section 2. No officer of the City and County may, during the term of office, engage in compensated advocacy before any City and County board or commission, or any member of the board or commission or its staff, in order to represent any private interest, for which representation the officer receives, directly or indirectly, any compensation, reward or gift.

Section 3. Officers of the City and County shall not discuss matters pending before their commission or department with other City and County officers or state legislators when those other officers or state legislators are acting as compensated advocates for a private interest.

Section 4. No member of the California State Legislature shall appear before any City and County board, department or commission as a compensated advocate representing a private interest.

Section 5. In the financing of city and county campaigns: (a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed \$500.00. (b) If any person is found guilty of violating the terms of this section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly from available campaign funds, if any, the amount received from such persons in excess of the amount permitted by this section to the City and County Treasurer for deposit in the General Fund of the City and County. (c) This section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963).

Section 6. Any person violating the terms of this ordinance shall be subject to the penalties set forth in San Francisco Charter Section 8.105. Such penalties shall include, but not be limited to, removal from office.

Section 7. If any provision of this ordinance, or its application to any person or circumstance, is held invalid, it is the expressed intent of the people of the City and County of San Francisco that the remainder of the ordinance, or the application of such provision, or any other provision to other persons or circumstances, shall not be affected thereby.

Section 8. An officer of the City and County of San Francisco, or any person or committee on behalf of an officer of the City and County of San Francisco, is hereby prohibited from establishing any account, other than a campaign fund, for the solicitation and expenditure of funds. Nothing in this section shall prohibit an officer from spending personal funds on official or related business activities. (a) An account established by an officer or on behalf of an officer of the City and County of San Francisco is defined as any account used to pay expenses incurred directly in connection with carrying out the usual and necessary duties of holding office, including but not limited to, travel between an officer's residence and public office, meetings with constituents which are not campaign related meetings, salary payments to staff for other than campaign activities, office promotional materials, advertising, mailings, postage, and paid radio or television airtime. (b) Any and all monies, services, rewards, gifts or anything of monetary value, accepted or received by an officer or on behalf of an officer, except monies, services, rewards, gifts or anything of monetary value accepted or received from or as a result of the officer's personal or business activities, unrelated to his or her office, shall be deposited, credited or otherwise reported to a campaign fund established by that officer or on behalf of that officer and shall be subject to the provisions contained in Section 5 of this ordinance. (c) This section shall not be applied retroactively. Funds held in officer accounts, or accounts on behalf of any officer, existing at the time of the adoption of this ordinance, may be expended on official or business related activities notwithstanding this section. No further deposits, transfer, credits or other additions to the balance of the account shall be made. Upon depletion of all available funds in the officer's account, the account shall be closed. (Adopted 1986; amended, 1993)

PLANNING INITIATIVE

Adopted November 4, 1986

An ordinance which adopts mandatory priority policies for the city's Master Plan, extends limits on the development of new office space in San Francisco, and reduces the amount of new office development allowed under the Downtown Plan.

PART 1—MASTER PLAN

Be it ordained by the people of the City and County of San Francisco that Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding section 101.1 as follows:

SECTION 101.1. MASTER PLAN CONSISTENCY AND IMPLEMENTATION.

(a) The Master Plan shall be an integrated, internally consistent and compatible statement of policies for San Francisco. To fulfill this requirement, after extensive public participation and hearings, the City Planning Commission shall in one action amend the Master Plan by January 1, 1988.

(b) The following Priority Policies are hereby established. They shall be included in the preamble to the Master Plan and shall be the basis upon which inconsistencies in the Master Plan are resolved.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

3. That the City's supply of affordable housing be preserved and enhanced;

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

5. That a diverse economic base be maintained by protecting our industrial service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

7. That landmarks and historic buildings be preserved; and

8. That our parks and open space and their access to sunlight and vistas be protected from development.

(c) The City may not adopt any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after November 4, 1986, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the Priority Policies established above.

(d) The City may not adopt any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after January 1, 1988, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the City's Master Plan.

(e) Prior to issuing a permit for any project or adopting any legislation which requires an initial study under the California Environmental Quality Act, and prior to issuing a permit for any demolition, conversion or change of use, and prior to taking any action which requires a finding of consistency with the Master Plan, the City shall find that the proposed project of legislation is consistent with the Priority Policies established above. For any such permit issued or legislation adopted after January 1, 1988 the City shall also find that the project is consistent with the City's Master Plan.

PART 2—ANNUAL LIMIT

Be it ordained by the people of the City and County of San Francisco that Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended as follows:

Subsections 320(b) and 320(g)(1) are amended as follows:

SECTION 320. OFFICE DEVELOPMENT: DEFINITIONS.

(b) "Approval period" shall mean the twelve-month period beginning on October 17, 1985 and each subsequent twelve-month period.

(g) "Office development" shall mean construction, modification or conversion of any structure or structures or portion of any structure or structures, with the effect of creating additional office space, excepting only:

1. Development which will result in less than 25,000 square feet of additional office space.

Subsection 320(g)(5) is deleted and the existing Subsections renumbered.

Subsection 320(k) is added as follows:

(k) "Preexisting office space" shall mean office space used primarily and continuously for office use and not accessory to any use other than office use for five (5) years prior to Planning Commission approval of an office development project which office use was fully legal under the terms of San Francisco law.

Subsection 321(a)(1) is amended as follows:

SECTION 321. OFFICE DEVELOPMENT: ANNUAL LIMIT

(a) Limit.

1. No office development may be approved during any approval period if the additional office space in that office development, when added to the additional office space in all other office developments previously approved during that approval period, would exceed 950,000 square feet or any lesser amount resulting from the application of Section 321.1. To the extent the total square footage allowed in any approval period is not allocated, the unallocated amount shall be carried over to the next approval period.

A new Subsection 321(b)(4) is added as follows and existing subsections renumbered:

(4) Reserve for Smaller Buildings. In each approval period at least 75,000 square feet of office development shall be reserved for buildings between 25,000 and 49,999 square feet in gross floor area of office development. To the extent the

total square footage allowed under this subsection in any approval period is not allocated, the unallocated amount shall be carried over to the next approval period and added only to the Reserve for Smaller Buildings.

Section 321.1 is added as follows:

SECTION 321.1 ANNUAL LIMIT ADJUSTMENT.

(a) It is the intention of the people of San Francisco that the annual limit on office development be reduced to account for the square footage resulting from the excessive number of building, alteration and site permits that were issued after November 29, 1984, the date the City Planning Commission amended the Master Plan to include the Downtown Plan.

(b) Not later than January 1, 1987 and January 1 of each subsequent year the Department of City Planning shall survey the records of the Central Permit Bureau and any other necessary records to develop a list of the square footage of all office development projects for which building, alteration or site permits were issued after November 29, 1984 that have not lapsed or otherwise been revoked, and all office development projects reapproved by the City, the Redevelopment Agency or the San Francisco Port Commission after November 29, 1984. Reapproval specifically includes any project reconsidered by any agency pursuant to Court decision. This process shall continue until the Department is able to certify that all projects with approval dates on or before November 4, 1986 have received permits, have been abandoned or are no longer subject to litigation challenging their approval. Notwithstanding any other provision of the City Planning Code or the former provisions of Subsection 320(g), all projects in excess of 24,999 square feet of additional office space shall be included in the survey. The list shall not include permits for projects authorized pursuant to the office development competition set out in Subsection 321(b) and Section 322.

(c) Not later than February 1, 1987, and February 1 of each subsequent year as set out above, the Department shall certify in writing to the City Planning Commission at a public hearing the list of all projects enumerated in subsection (b) above, including the square footage of each project and the total of all such projects.

(d) Within 30 days of receipt of the Department's certification, the Commission shall reduce the 950,000 square foot annual limit established in Subsection 321(a)(1) by 475,000 square feet per approval period until the amount of square footage remaining on the Department's list is reduced to zero.

(e) If the City has authorized more than 475,000 square feet as part of the office development competition set out in Subsection 321(b) and Section 322 prior to November 4, 1986, any amount exceeding 475,000 square feet shall be separately deducted from otherwise allowable square feet calculated pursuant to subsection (d) above for the approval period and for subsequent approval periods until the total amount of square footage is reduced to zero.

Section 321.2 is added as follows:

SECTION 321.2. LEGISLATIVE REDUCTION OF ANNUAL LIMIT.

(g) The Board of Supervisors is permitted to reduce the annual limit defined in Subsection 321(a)(1).

Section 321.3 is added as follows:

SECTION 321.3. VOTER APPROVAL OF EXEMPTION OF OFFICE PROJECTS AUTHORIZED BY DEVELOPMENT AGREEMENTS.

Any office development approved pursuant to a development agreement under Government Code Section 65865 or any successor section may set forth in Subsection 321(a)(1) after the exemption for such office development has been approved by the voters at a regularly scheduled election.

Section 325 is amended as follows:

SECTION 325. SUNSET CLAUSE.

The limit on office development set out in Planning Code sections 320, 321, 322, 323 and 324 as of October 17, 1985, as amended by the voters on November 4, 1986, shall remain in effect until amended or repealed by the voters of San Francisco at a regularly scheduled election.

PART 3 — EMPLOYMENT

Be it ordained by the people of the City and County of San Francisco that Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended as follows:

Subsection 164(a) is amended as follows:

SECTION 164. SAN FRANCISCO RESIDENT PLACEMENT AND TRAINING PROGRAM.

(a) The City has determined in its certification of the Downtown Plan Environmental Impact Report and in its findings and studies leading to the adoption of Section 313 of the Planning Code that San Francisco and regional traffic and transit problems will become more intolerable as the number of non-resident employees increases in San Francisco as a result of new office development. In order to mitigate those adverse traffic and transit impacts, while protecting the City's residential areas from unwanted increases in density, the people determine that a policy of maximizing resident employment training and placement opportunities is needed.

Subsections 164(d) and (e) are added as follows:

(d) In order to ensure that the maximum number of San Francisco residents are trained and placed in employment opportunities in our City, the Board of Supervisors shall hold public hearings and not later than January 1, 1988 the City shall adopt legislation to establish a program which will coordinate the job training and placement efforts of the San Francisco Unified School District, the San Francisco Community College District, community-based non-profit employment and training programs, and other agencies from the public and private sectors, to assure maximum use of existing federal, state and local training and placement programs, and to develop such additional training and placement programs as deemed necessary.

(e) Should the Board of Supervisors determine that additional funds are needed for programs established pursuant to subsection (d) above, it shall consider the adoption of a San Francisco Resident Training and Placement Fee of not less than \$1.50 per square foot as a condition of the approval of any application for an

office development project proposing the net addition of 50,000 or more gross square feet of office space.

PART 4 — SEVERABILITY CLAUSE

If any part of this initiative is held invalid by a court of law, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other parts of the initiative or applications which can be given effect without the invalid part or application hereof and to this end the sections of this initiative are separable.

OIL DEVELOPMENT MORATORIUM

Adopted November 4, 1986

An ordinance which adopts a moratorium on the use, development or construction of crude oil and gas processing and support facilities.

Be it Ordained by the People of the City and County of San Francisco:

Section 1. Findings:

(a) The development of crude oil and gas processing and support facilities related to oil and gas drilling and production may create unacceptable risks to the quality of life, the environment, and the long-term economic well-being of San Francisco.

(b) Spills of crude oil from tankers, pipelines, refineries, storage facilities and staging areas would have serious environmental and economic consequences, including destruction of marine and avian life; fouling of beaches, estuaries and other bodies of water; degradation of scenic coastal resources; harm to fishing and tourist industries; danger of fire and explosion and creation of noxious odors. These dangers exist because spill containment and cleanup technologies are currently inadequate. Presently, only 5 to 15 percent of spilled oil has been recovered in past cleanup efforts, according to the federal government.

(c) On-shore disposal or storage of drilling muds, cuttings and produced waters can result in serious degradation of water quality. These by-products of drilling activities can contain very substantial amounts of toxics, additives, oil and grease, and heavy metals, all of which, when introduced into the environment, cause serious adverse impacts to the health and welfare of the residents of San Francisco.

(d) San Francisco has been declared an air quality non-attainment area by the federal government and is already suffering from the adverse consequences of air pollution. The increased emission of pollutants, including volatile organic compounds, from activities connected with loading, unloading, ballasting, flushing, refining and storage operations would further degrade air quality.

(e) Oil and gas processing and support facilities would create increased levels of noise detrimental to the quality of life in San Francisco.

Section 2. Definitions.

“CRUDE OIL AND GAS PROCESSING AND SUPPORT FACILITIES” means:

(a) REFINERIES: Facilities that process, convert, refine and/or treat crude oil and gas, including facilities that separate crude oil and gas from sea water and dissolved chemicals;

(b) PIPELINES AND PIPELINE FACILITIES: Pipelines, pipeline landfalls and other related methods by which crude oil and gas are transported to crude oil and gas processing and support facilities;

(c) **CRUDE OIL TANKER FACILITIES:** Facilities, including marine terminals, for the purpose of accommodating the loading or unloading of crude oil and natural gas;

(d) **STORAGE FACILITIES:** Facilities for the purpose of storing crude oil and gas, including tank farms, or storing chemicals, drilling muds, cuttings, produced waters and other toxic materials used in the production of oil and gas products;

(e) **STAGING AREAS:** Facilities, yards and other areas designated for the purpose of transporting equipment to be used in or personnel employed in the construction or operation of oil drilling facilities;

(f) **WASTE DISPOSAL FACILITIES:** Facilities for the purpose of disposing of drilling muds, cuttings and produced water generated in the course of drilling oil and gas wells.

Section 3. Duration of Moratorium.

The moratorium set forth herein shall expire at the end of two (2) years after the effective date of this ordinance unless extended by further action of the Board of Supervisors.

Section 4. Conditions of Moratorium; Penalty.

(a) No permit or license shall be granted for any use, development or construction of crude oil and gas processing and support facilities.

(b) The use, development or construction of any facility for the purposes defined in Section 2 shall be prohibited for the duration of this ordinance.

(c) The City and County of San Francisco may commence an action to enjoin any actual or threatened use, development or construction of any crude oil and gas processing and support facilities in violation of this ordinance.

(d) Any person using, developing or constructing any crude oil and gas processing and support facilities in violation of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor shall be punished by a fine of not more than five hundred dollars (\$500) or six (6) months in jail, or both. Each use, development or construction of such facilities in violation of this ordinance shall constitute a separate and distinct offense.

Section 5. Planning Commission Study.

(a) The City Planning Commission shall study the need for permanent and comprehensive controls and shall prepare prohibitory legislation for the Board of Supervisors to consider before the expiration of this ordinance or any duly enacted extension.

(b) Specifically, the City Planning Commission shall determine the following:

(1) The social, economic and physical impact of the use, development and construction of crude oil and gas processing and support facilities.

(2) The necessity for the absolute prohibition of the use, development and construction of crude oil and gas processing and support facilities.

Section 6. Severability.

If any provision or clause of this ordinance or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are declared to be severable.

RESIDENTIAL UTILITY TAX

Adopted November 3, 1987

Prohibiting any local tax on residential gas, electricity, water or telephone bills.

Be it ordained by the People of the City and County of San Francisco:

SEC. 707.1 UTILITY USERS' TAX EXEMPTION.

(a) No tax shall be levied upon the use in the City and County of San Francisco by residential customers of telephone communication services, electrical energy or gas, water or steam which is delivered through mains or pipes or of any other utility service after June 30, 1988.

(b) For the purposes of this section, "residential customer" shall mean any customer paying for the utility service at a residential or domestic rate consistent with the rate schedule set by the California Public Utilities Commission or any other rate making authority.

(c) This section was adopted by the voters of San Francisco at the November 3, 1987 election and may be amended only by the vote of the electorate.

HEALTH CARE COMMUNITY SERVICE

Adopted November 8, 1988

I. DECLARATION OF POLICY

The people of the City and County of San Francisco find and declare that this community has a vital public interest in available healthcare for all members of the community.

In recognition of that interest, the City and County voters adopted an amendment to the Charter in 1985 creating a Health Commission, charged among other duties with "(managing and controlling) . . . all matters pertaining to the preservation, promotion and protection of the lives, health and mental health of the inhabitants of the city and county . . ." (Section 3.697)

The people further find and declare that elimination or curtailment of health services by private hospitals and clinics in this community may have a detrimental effect on the health and well-being of this community.

Therefore, the people adopt this Community Health Care Planning Ordinance.

II. PROVISION OF HEALTHCARE TO THE COMMUNITY

Prior to closing a hospital inpatient or outpatient facility, eliminating or reducing the level of services provided, or prior to the leasing, selling or transfer of management, the hospital shall provide public notice, including notice posted at the entrance to the facility or facilities affected and mailed to the San Francisco Health Commission, of their intention. Such notice shall be posted and mailed not less than 90 days prior to the intended date of the action. The notice shall contain a detailed list of the proposed reductions or changes and the number of patients and employees affected by facility and service. The commission shall make findings based on evidence and testimony from public hearings that the proposed action will or will not have a detrimental impact on the health care service of the community.

The commission shall further explore in these public hearings what alternative means are available in the community to provide the service or services to be eliminated or curtailed.

It is the intent of the people of San Francisco that the meaning and effect of Section II of this ordinance be construed consistent with the purpose and construction of California Health and Safety Code Sections 1442 and 1442.5. The people further intend that this ordinance be construed consistent with applicable state and federal law.

U.S.S. MISSOURI HOMEPORTING

ORDINANCE MAKING FINDINGS, IMPLEMENTING TERMS AND CONDITIONS OF U.S.S. MISSOURI HOMEPORTING MEMORANDUM OF UNDERSTANDING AND APPROPRIATING \$2.0 MILLION FOR PROJECT.

Be it ordained by the People of the City and County of San Francisco:

Section 1 Findings:

In 1984 San Francisco, Long Beach and Honolulu were invited to submit bids for the homeporting of the U.S.S. Missouri. This process was part of a national homeporting program that included successful bids for naval stations by New York City and Everett, Washington.

San Francisco proposed that the Navy reactivate Hunters Point Naval Shipyard, continuing a century and a half tradition of a strong Navy presence in San Francisco.

After extensive environmental and economic study the Secretary of the Navy, in July 1985 designated San Francisco as the preferred berthing location for the USS Missouri and her up to ten ship cruiser - destroyer group.

The implementation of San Francisco as the homeport for the USS Missouri and other ships is contingent upon the City and County implementing the memorandum of understanding approved by the Board of Supervisors in August 1987.

The future of San Francisco's 140 year old ship repair industry is dependent upon work generated by homeported naval vessels. With homeporting the number of naval vessels berthed in the Bay Area will increase by fifty percent. Without homeporting the U.S.S. Missouri, the three shipyards operating from Port property and their sub-contractors, are in jeopardy of closing with the loss of a \$150,000,000 a year industry and over 2,000 existing employees.

In order to preserve shipyard jobs and produce new ones, the Port has offered to fund \$2,000,000 of dredging and to maintain required depths at Hunter's Point. The dredging will be paid for from Port surplus funds which can only be used for Port projects. By state law this money is not available to fund city services.

The economic benefits of homeporting were the subject of a 1987 Joint Report by the City Controller, Board of Supervisors Budget Analyst and Mayor's Office. Homeporting is estimated to produce annually over \$56,000,000 of ship repair contracts, \$25,000,000 of supply and fuel purchases and at least 400 maritime jobs.

The report found that homeporting is projected to result in \$2,500,000 of new tax revenues each year to the City, while costing the City's General Fund less than \$800,000 a year, primarily for additional Muni transit service to the Hunters Point area. At a time of budget shortages, the City's General Fund will net \$1,700,000 each year from homeporting which can be used to support vital services throughout San Francisco.

In addition to shipyard jobs, homeporting is expected to generate approximately 2,000 new private sector civilian jobs in San Francisco and an additional 3,000 to 5,000 jobs in the Bay Area.

The Memorandum of Understanding contains a Bayview-Hunters Point community job training program, participated in by the City, the Navy, private

industry and labor unions. It will have a positive impact on a community which desperately needs new jobs and the payroll they bring. The program agreed to by labor and management, includes promotion of local business contracting, the use of shipyard facilities for City College sponsored training programs, set aside of one out of every five construction and ship repair jobs for Bayview-Hunters Point residents, and a neighborhood targeted apprenticeship training program.

Major street, transit and traffic improvements will be made in the Bayview Hunters Point community to accommodate residents and the Naval station, including a \$15,000,000 State financed Evans Avenue-Interstate 280 on/off-ramp project that has been requested by that neighborhood for almost twenty years to keep heavy truck traffic off Third Street. The City's share of the cost (\$2,400,000) will be financed from voter approved bond proceeds which can only be used for public works projects. The Director of the California Department of Transportation has indicated that \$12,600,000 of State money may not be forthcoming unless the U.S.S. Missouri comes to San Francisco, creating a regional imperative for the project.

The Hunters Point homeporting project was the subject of a legally required environmental impact review, which studied the impact of the project on air and water quality, traffic, jobs, toxics, housing, etc. Dredging required to accommodate the U.S.S. Missouri and her ten ship cruiser-destroyer received a special \$1,500,000, 14 site, nine month environmental study which determined that the project can proceed without harming the Bay. The environmental impact study showed that less dredging is needed at Hunters Point than at any other proposed site, such as Treasure Island or Alameda.

After extensive testing and evaluation and many public hearings, the Federal Environmental Protection Agency and the San Francisco Planning Commission carefully evaluated the proposed dredging, toxic clean-up requirements and other impacts of the project and determined that the environmental review process was adequate and that impacts to the environment could be mitigated. In fact, the homeporting project will enhance the environment by requiring the Federal Government to accelerate clean-up of toxic wastes generated by prior industrial activities at the shipyard.

The memorandum of understanding commits the City to the relocation within San Francisco of small businesses currently operating from the shipyard and will conduct space need surveys, assist in the search for new facilities including the use of surplus buildings at Pier 70, and provide low interest loans for capital costs incurred through relocation.

Though homeporting will bring to the Bayview-Hunters Point community over 5000 Navy personnel and 1500 Navy families, the impact on the area will be minimal as compared to other land use proposals that would double the density of development. The project's housing requirements will be met by the construction of 1500 units of privately built and operated Navy family housing to accommodate Navy personnel. With most sailors living on base, traffic and transit impacts will not be excessive.

The City and County of San Francisco has a long tradition of hospitality to military men and women. Homeporting is an open demonstration of the City's traditional welcome to sailors and their families and of San Francisco's responsibility to share in the defense of our nation.

The Board of Supervisors adopted Resolution Number 710-87 approving in principal a memorandum of understanding between the United States Navy and the City and County of San Francisco agreeing to the USS Missouri Hunters Point homeporting project.

The Secretary of the Navy has stated that Congressional direction prohibits the berthing of the U.S.S. Missouri and other ships at Hunters Point unless the Memorandum of Understanding is implemented by San Francisco.

The citizens of the City and County of San Francisco are supportive of the USS Missouri homeporting project and by this ordinance, subject to the budgetary and fiscal provisions of the Charter, intend to bind and commit the City to implement the provisions of the 1987 Homeporting Memorandum of Understanding.

Section 2 Contract:

The City and County of San Francisco hereby binds and commits itself, subject to the budgetary and fiscal provisions of the Charter, to implement the provisions of the Hunters Point homeporting memorandum of understanding contained in Board of Supervisors file number 93-87-6 (which is incorporated by reference), and to expeditiously process and approve such administrative and legislative actions as are necessary to carry out the intent of the MOU, subject to modifications which from time to time may be mutually agreed to by the City and the U.S. Navy or required by Federal and State environmental agencies. The governmental representatives employed by the City are hereby directed to seek implementation by the State and Federal governments of the terms and conditions of the memorandum of understanding as expeditiously as possible.

Section 3 Funding:

Subject to Section IIA. of the U.S.S. Missouri Homeporting Memorandum of Understanding, the City and County hereby appropriates for a capital project from any unappropriated surplus revenues of the Port of San Francisco or any legally available funds, \$2,000,000 to fund dredging projects at Hunters Point Naval Station Annex. The Controller is directed to prepare all necessary documentation to process this appropriation. Should the Port Commission fail to contract within 120 days from receipt of a request by the Commander, Naval Base San Francisco, to undertake approved and permitted dredging, the controller is hereby directed to immediately transfer said dredging funds to the United States Navy.

INITIATIVE ORDINANCE S

**NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI
CLEANUP FUND OPTION**

Adopted June 5, 1990

Adding Sections 10.98 and 10.98-1 to the San Francisco Administrative Code to establish a Neighborhood Beautification and Graffiti Clean-up Fund and specifying the purposes therefor and amending Part III, San Francisco Municipal Code, by adding Article 12B-1 thereto, to provide that any business which owes a payroll expense tax or business tax may elect to designate a certain portion of the tax for deposit in the Neighborhood Beautification and Graffiti Clean-up Fund.

*Be it Ordained by the People of the City and County
of San Francisco:*

Section 1. The San Francisco Administrative Code is hereby amended by adding Sections 10.98 and 10.98-1 thereto, to read as follows:

**SEC. 10.98. NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI
CLEAN-UP FUND: FINDINGS AND INTENT.**

(a) Findings.

The proliferation of graffiti on public buildings and other public property has created a blight which offends both citizens of and visitors to San Francisco. The removal of such graffiti will enhance the beauty of the city in which we live and will encourage others to visit and to relocate here. Removal will thus both reflect and renew our civic pride and contribute to our economic viability. Providing a source of funds for the promotion of neighborhood beautification projects will support the efforts of local residents and businesses to improve the quality of life for San Francisco residents and the local economy, and assist in reducing the amount of graffiti in San Francisco.

(b) Statement of Intent.

The Board of Supervisors wishes to address the above concerns by establishing a neighborhood beautification and graffiti clean-up fund which will promote neighborhood beautification projects, including projects designed to improve the environmental quality of neighborhoods, and finance the clean-up of graffiti on public property.

**SEC. 10.98-1. NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI
CLEAN-UP FUND: ESTABLISHMENT; ACCEPTANCE OF GIFTS;
DUTIES.**

(a) Establishment of Fund. There is hereby established a special fund for the purpose of receiving all donations of money which may be collected by the City and County of San Francisco for the purposes enumerated in Section 10.98(b). Monies

deposited in the fund shall only be expended for the purposes enumerated therein, provided that such expenditures shall include reimbursement to City and County departments for expenses incurred in the administration of the fund. The special fund shall be known and designated as the Neighborhood Beautification and Graffiti Clean-up Fund.

(b) **Acceptance of Gifts.** All donations of money which may be offered to the Neighborhood Beautification and Graffiti Clean-up Fund are hereby accepted for such purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into said special fund.

(c) **Duties of the Chief Administrative Officer.**

1. The Chief Administrative Officer, or his or her designee, shall be responsible for the administration of the Neighborhood Beautification and Graffiti Clean-up Fund, and shall have all such authority as may be reasonably necessary to carry out those responsibilities.

2. The Chief Administrative Officer shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of this Section and Section 10.98. Before issuing or amending any rules and regulations, the Chief Administrative Officer shall provide a thirty (30) day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the rules and regulations. The rules and regulations shall be approved by resolution of the Board of Supervisors. Such rules and regulations shall include, but not be limited to, the qualifications of applicants and factors to be considered in the award of grants to fund programs to help remove graffiti and promote neighborhood beautification projects, including preference for the following projects: youth programs and innovation, projects that are neighborhood generated, and projects designed to benefit areas of San Francisco that are economically disadvantaged.

3. The Chief Administrative Officer shall submit a semi-annual report to the Board of Supervisors setting forth an accounting of the amounts disbursed and the uses for which said funds were made.

(d) **Budgetary and Fiscal Provisions of the Charter.** The monies in this fund are subject to the budgetary and fiscal provisions of the Charter and may be expended only when authorized by appropriation ordinance of the Board of Supervisors.

(e) **Interest.** Interest earned from the Neighborhood Beautification and Graffiti Clean-up Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(f) **Accumulation of Monies in Fund.** The balance remaining in the Neighborhood Beautification and Graffiti Clean-up Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 6.306 and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 2. Part III of the San Francisco Municipal Code is hereby amended by adding Article 12B-1 thereto, to read as follows:

ART. 12B-1
NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP
FUND TAX OPTION.

SEC. 1030. Initial Option. Commencing in tax year 1990, any business, as defined in Section 1002.1 of this Code, that is subject to the Payroll Expense Tax or the Business Tax may elect to designate up to one per cent (1%) of its tax liability for deposit in the Neighborhood Beautification and Graffiti Clean-Up Fund.

SEC. 1031. Amount of Fund Annually. It is the intent of the voters of the City and County of San Francisco that one million dollars (\$1,000,000.00), derived from tax proceeds designated by the taxpayers pursuant to Section 1031, shall be deposited annually into the Neighborhood Beautification and Graffiti Clean-Up Fund. The Controller shall annually adjust this figure for inflation to reflect changes in the most recently available U.S. Bureau of Labor Statistics Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose Metropolitan Area, or its successor index.

SEC. 1032. Subsequent Option. For each tax year after 1990, the Controller shall determine the amount of fund revenues actually generated in the prior year, including the interest thereon and the balance, if any, remaining at the close of the tax year. On the basis of the prior year's experience of taxpayer contributions and total revenues generated by the payroll expense and business taxes, the Controller shall calculate a percentage ceiling of total tax liability which taxpayers may designate for deposit in the fund the following tax year. The Controller shall set the percentage ceiling so that the revenues produced thereby are most likely to generate a total of one million dollars (adjusted for inflation) in the fund for the forthcoming tax year. The Controller shall transmit his or her calculation to the Board of Supervisors, which shall adopt a new tax designation ceiling, if necessary, in advance of the tax year to enable the tax collector to perform his or her collection duties.

SEC. 1033. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this initiative ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this initiative ordinance or any part thereof. The People of the City and County of San Francisco hereby declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. In addition, the voters declare their intention that should any portion of this initiative ordinance or all of it be declared invalid in whole or in part, such invalidity shall have no effect upon the continued validity of the Payroll Expense Tax and Business Tax.

INITIATIVE ORDINANCE T
WATERFRONT LAND USE

Adopted November 6, 1990

Amending the San Francisco Administrative Code by adding a new chapter on waterfront land use

Be it Ordained by the People of the City and County of San Francisco that the Administrative Code is hereby amended by adding a new Chapter as follows:

Section 1. — Findings and Declaration of Policy

The people of the City and County of San Francisco find and declare:

- a. Whereas, the waterfront of San Francisco is an irreplaceable public resource of the highest value;
 - b. Whereas, the most beneficial and appropriate use of the waterfront is for purposes related to and dependent on their proximity to San Francisco Bay and the Pacific Ocean, such as maritime uses, public access to, and restoration of, San Francisco Bay;
 - c. Whereas, San Francisco holds the waterfront in trust for the People of California;
 - d. Whereas, maritime uses, public access to, and restoration of San Francisco Bay serve San Francisco residents, and provide significant economic, social and environmental benefits to San Francisco and its residents, including a diversity of employment opportunities and better access to a healthier San Francisco Bay;
 - e. Whereas, the waterfront contains structures of historical and architectural importance;
 - f. Whereas, it is poor planning to approve waterfront land uses on an ad hoc basis, rather than as part of a comprehensive waterfront land use plan;
 - g. Whereas, it is in the interest of San Francisco to develop a strong and economically vital waterfront with adequate public access to and restoration of San Francisco Bay; and
 - h. Whereas, changing conditions in the maritime industry such as deeper draft vessels and increased awareness of the negative environmental impacts of dredging and dredge-spoil dumping indicate that cargo handling at the Port of San Francisco could increase dramatically;
- Therefore the people of San Francisco declare that it is the policy of the City and County of San Francisco that:
- a. the waterfront be reserved for maritime uses, public access, and projects which aid in the preservation and restoration of the environment;
 - b. where such land uses are infeasible or impossible, only acceptable non-maritime land uses as set forth in this ordinance shall be allowed;
 - c. a waterfront land use plan shall be prepared (as set forth in Section 2 of this ordinance) to further define acceptable and unacceptable non-maritime land uses and to assign land uses for specific waterfront parcels.

Section 2. — Land Use Planning Process

a. Upon adoption of this initiative, the Board of Supervisors shall within 30 days request the Port Commission to prepare a "Waterfront Use Land Plan" which is consistent with the terms of this initiative for waterfront lands as defined by this ordinance. Should the Port Commission not agree to this request within 30 days of the Board of Supervisors request, the Board of Supervisors shall have 30 days to designate a different City agency or department to prepare the "Waterfront Land Use Plan."

b. The agency drafting the "Waterfront Land Use Plan" shall consult the City Planning Commission to ensure development of a plan consistent with the City's Master Plan. The final plan and any subsequent amendments thereto shall be subject to a public hearing conducted by the City Planning Commission to ensure consistency between that plan and the City's Master Plan.

c. The "Waterfront Land Use Plan" shall define land uses in terms of the following categories:

1. Maritime land uses;
2. Acceptable non-maritime land uses; and
3. Unacceptable non-maritime land uses.

Land uses included in these categories which are not part of the initial ordinance shall be added to Sections 3 through 5 of this ordinance as appropriate. No deletions from Sections 3 through 5 shall be allowed unless approved by the voters of San Francisco;

d. No City agency or officer may take, or permit to be taken, any action to permit the new development of any non-maritime land use (except those land uses set forth in Section 4 below) on the waterfront until the "Waterfront Land Use Plan" has been completed. Non-maritime land uses existing, or which have all their necessary permits, as of January 1, 1990, shall be exempt from this limitation.

e. The "Waterfront Land Use Plan" shall be reviewed by the agency which prepared it or by such other agency designated by the Board of Supervisors at a minimum of every five years, with a view toward making any necessary amendments consistent with this initiative.

f. The "Waterfront Land Use Plan" shall be prepared with the maximum feasible public input.

Section 3. — Maritime Land Uses.

Maritime Land Uses include but are not limited to:

- a. Maritime cargo handling and storage facilities;
- b. Ship repair facilities;
- c. Fish processing facilities;
- d. Marinas and boat launch ramps;
- e. Ferry boat terminals;
- f. Cruise ship terminals;
- g. Excursion and charter boat facilities and terminals;
- h. Ship berthing facilities;
- i. Maritime construction and maritime supply facilities;
- j. Marine equipment and supply facilities;
- k. A list of additional maritime land uses developed as part of the Waterfront

Land Use Planning process shall be included in the "Waterfront Land Use Plan" and added to this section.

Section 4. — Acceptable Non-maritime Land Uses

Acceptable non-maritime land uses include but are not limited to:

- a. Parks;
- b. Esplanades;
- c. Wildlife habitat;
- d. Recreational fishing piers;
- e. Restoration of the ecology of San Francisco Bay and its shoreline;
- f. Transit and traffic facilities; and
- g. A list of additional acceptable non-maritime land uses developed as part of the Waterfront Land Use Planning process shall be included in the "Waterfront Land Use Plan" and added to this section.

Section 5. — Unacceptable Non-maritime Land Uses

a. Criteria for Consideration in Determining Unacceptable Non-maritime Land Uses

Criteria to be considered in making findings regarding the acceptability of any specific land use on the waterfront shall include but are not limited to:

1. Does the land use need to be located on the waterfront in order to serve its basic function?
2. Is the land use compatible with existing or planned maritime operations on surrounding parcels if any?
3. Does the land use provide the maximum feasible public access?
4. Does the land use improve the ecological balance of San Francisco Bay?
5. Does the land use protect the waterfront's architectural heritage?
6. Does the land use represent the best interests of the people of the City and County of San Francisco and/or the State of California?

b. Prohibition of Unacceptable Non-maritime Land Uses

No City agency or officer may take, or permit to be taken, any action to permit the development of any unacceptable non-maritime land use (as set forth below) on the waterfront.

c. Listing of Unacceptable Non-maritime Land Uses

The following land uses are found to be unacceptable non-maritime land uses:

1. Hotels

The City finds that hotels do not need to be located on the waterfront, and permitting their development on the waterfront will displace or preclude maritime uses;

The City finds that waterfront hotels do not provide the economic benefits provided by maritime employment;

The City finds that waterfront hotels do not provide high quality public access to, or permit restoration of, San Francisco Bay;

The City finds that waterfront hotels do not serve the needs of San Francisco or its residents;

The City therefore finds that hotels are an unacceptable non-maritime land use and shall not be permitted on the waterfront.

2. A list of additional unacceptable non-maritime land uses developed as part of the Waterfront Land Use Planning process shall be included in the "Waterfront Land Use Plan" and added to this section.

d. Grandfathering of Existing Unacceptable Non-maritime Land Uses

This initiative shall not prevent any unacceptable non-maritime land use existing as of January 1, 1990 from continuing in operation or expanding on its existing site in a manner consistent with all other applicable laws and regulations. At such time as a new land use is proposed for the site of a business existing as of January 1, 1990 that new land use must meet the conditions set forth in this ordinance.

Section 6. — Definitions

a. "City agency or officer" means the Board of Supervisors, and all other city commissions, boards, officers, employees, departments or entities whose exercise of powers can be affected by initiative.

b. "Action" includes, but is not limited to:

1. amendments to the Planning Code, and Master Plan;
2. issuance of permits or entitlements for use by any City agency or officer;
3. approval, modification or reversal of decisions or actions by subordinate

City agencies or officers;

4. approval of sales or leases pursuant to Section 7.402 and 7.402-1 of the Charter of the City and County of San Francisco;

5. approval of or amendments to Redevelopment Plans; and

6. any other action, including but not limited to projects as defined in Public Resources Code Section 21065.

c. "Waterfront" means land transferred to the City and County of San Francisco pursuant to Chapter 1333 of the Statutes of 1968, as well as any other property which is owned by or under the control of the Port Commission of San Francisco, and which is also in any of the following areas:

1. piers;

2. the shoreline band as defined in Government Code Section 66610(b), between the Golden Gate National Recreation Area and the intersection of The Embarcadero and Berry Street, except for the area south of Jefferson Street between Hyde Street and Powell Street.

3. the shoreline band as defined in Government Code Section 66610(b), in the area bounded by San Francisco Bay, Berry, Third, and Evans Streets, Hunter's Point Boulevard, and a straight line from the intersection of Hunter's Point Boulevard and Innis Avenue to the intersection of Carroll Avenue and Fitch Street; and

4. the area south of Pier 98 in which all new development is subject to the Shoreline Guidelines, as shown on Map 8 (Eastern Shoreline Plan) of the Recreation and Open Space element of the San Francisco Master Plan, in effect as of January 1, 1990.

d. "San Francisco Bay" means the area defined in Government Code Section 66610(a) which is the City and County of San Francisco, except for areas west of Third Street.

- e. All references to public roads are to their alignments as of January 1, 1990.
- f. "Hotel" means any use falling within the definition in Section 314.1(g) of the San Francisco Planning Code in effect as of January 1, 1990; any waterside hotel having docks to accommodate persons traveling by boat; or any facilities for providing temporary or transient occupancy. This shall not include boat berths which are provided for temporary moorage of boats.

Section 7. — Implementation

Within 180 days of the effective date of this ordinance, the City and County shall:

- a. amend its Master Plan, Planning Code, and other relevant plans and codes in a manner consistent with this ordinance;
- b. request and apply for conforming amendments to all applicable state and regional plans and regulations; and
- c. begin preparation of the "Waterfront Land Use Plan" required under Section 2 of this ordinance.

Section 8. — Severability

If any portion of this ordinance, or the application thereof, is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this ordinance, or application thereof, shall remain in full force and effect. Each section, subsection, sentence, phrase, part, or portion of this ordinance would have been adopted and passed irrespective of the fact that any one or more sections, subsections, sentences, phrases, parts or portions be declared invalid or unconstitutional.

Section 9. — Amendment and Repeal

No part of this ordinance or the amendments made pursuant to Section 7 hereof may be amended or repealed except by a vote of the electors of the City and County of San Francisco, except for those additional listings provided herein in Sections 3, 4, and 5.

Section 10. — Chaptering of this Ordinance

After the adoption of this ordinance the Clerk of the Board of Supervisors shall assign a Chapter number to this ordinance and shall renumber the sections of this ordinance in an appropriate manner.

INITIATIVE ORDINANCE U
RECOGNITION OF DOMESTIC PARTNERSHIPS

Adopted November 6, 1990

Amending the San Francisco Administrative Code by adding a new chapter on recognition of domestic partnerships

The People amend the San Francisco Administrative Code by adding a new Chapter to read:

**RECOGNITION OF
DOMESTIC PARTNERSHIPS**

Sec. 1. PURPOSE

The purpose of this ordinance is to create a way to recognize intimate committed relationships, including those of lesbians and gay men who otherwise are denied the right to identify the partners with whom they share their lives. All costs of registration must be covered by fees to be established by ordinance.

Sec. 2. DEFINITIONS

(a). Domestic Partnership. Domestic Partners are two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring, who live together, and who have agreed to be jointly responsible for basic living expenses incurred during the Domestic Partnership. They must sign a Declaration of Domestic Partnership, and establish the partnership under section 3 of this chapter.

(b). "Live Together." "Live together" means that two people share the same living quarters. It is not necessary that the legal right to possess the quarters be in both of their names. Two people may live together even if one or both have additional living quarters. Domestic Partners do not cease to live together if one leaves the shared quarters but intends to return.

(c). "Basic Living Expenses." "Basic living expenses" means the cost of basic food and shelter. It also includes the expenses which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the costs.

(d). "Declaration of Domestic Partnership." A "Declaration of Domestic Partnership" is a form provided by the county clerk. By signing it, two people agree to be jointly responsible for basic living expenses which they incur during the domestic partnership and that this agreement can be enforced by anyone to whom those expenses are owed. They also state under penalty of perjury that they met the definition of domestic partnership when they signed the statement, that neither is

married, that they are not related to each other in a way which would bar marriage in California, and that neither had a different domestic partner less than six months before they signed. This last condition does not apply if the previous domestic partner died. The form will also require each partner to provide a mailing address.

Sec. 3. ESTABLISHING A DOMESTIC PARTNERSHIP

(a). Methods. Two persons may establish a Domestic Partnership by either:

1. presenting a signed Declaration of Domestic Partnership to the County Clerk, who will file it and give the partners a certificate showing that the Declaration was filed; or

2. having a Declaration of Domestic Partnership notarized and giving a copy to the person who witnessed the signing (who may or may not be the notary).

(b). Time Limitation. A person cannot become a member of a Domestic Partnership until at least six months after any other Domestic Partnership of which he or she was a member ended. This does not apply if the earlier domestic partnership ended because one of the members died.

(c). Residence Limitation. The county clerk will only file Declaration of Domestic Partnership if:

1. the partners have a residence in San Francisco; or
2. at least one of the partners works in San Francisco.

Sec. 4. ENDING DOMESTIC PARTNERSHIPS

(a). When the Partnership Ends. A Domestic Partnership ends when:

1. one partner sends the other a written notice that he or she has ended the partnership; or

2. one of the partners dies; or

3. one of the partners marries or the partners no longer live together.

(b). Notice the Partnership has ended.

(1) To Domestic Partners. When a Domestic Partnership ends, at least one of the partners must sign a notice saying that the partnership has ended. The notice must be dated and signed under penalty of perjury. If the Declaration of Domestic Partnership was filed with the county clerk, the notice must be filed with the clerk; otherwise, the notice must be notarized. The partner who signs the notice must send a copy to the other partner.

(2) To Third Parties. When a Domestic Partnership ends, a Domestic Partner who has given a copy of a Declaration of Domestic Partnership to any third party, (or, if that partner has died, the surviving member of the domestic partnership) must give that third party a notice signed under penalty of perjury stating the partnership has ended. The notice must be sent within 60 days of the end of the Domestic Partnership.

(3) Failure to Give Notice. Failure to give either of the notices required by this subsection will neither prevent nor delay termination of the Domestic Partnership. Anyone who suffers any loss as a result of failure to send either of these notices may sue for actual losses.

Sec. 5. COUNTY CLERK'S RECORDS

(a). Amendments to Declarations. A Partner may amend a Declaration of Domestic Partnership filed with the County Clerk at any time to show a change in his or her mailing address.

(b). New Declarations of Domestic Partnership. No person who has filed a declaration of Domestic Partnership with the county clerk may file another declaration of Domestic Partnership until six months after a notice the partnership has ended has been filed. However, if the Domestic Partnership ended because one of the partners died, a new Declaration may be filed anytime after the notice the partnership ended is filed.

(c). Maintenance of County Clerk's Records. The County Clerk will keep a record of all Declarations of Domestic Partnership, Amendments to Declarations of Domestic Partnership and all notices that a partnership has ended. The records will be maintained so that Amendments and notices a partnership has ended are filed with the Declaration of Domestic Partnership to which they apply.

(d). Filing Fees. The Board of Supervisors will set the filing fee for Declarations of Domestic Partnership and Amendments. No fee will be charged for notices that a partnership has ended. The fees charged must cover the city's cost of administering this ordinance.

Sec. 6. LEGAL EFFECT OF DECLARATION OF DOMESTIC PARTNERSHIP

(a). Obligations. The obligations of domestic partners to each other are those described by the definition.

(b). Duration of Rights and Duties. If a domestic partnership ends, the partners incur no further obligations to each other.

Sec. 7. Upon adoption, the Clerk of the Board shall codify this amendment into the San Francisco Administrative Code.

INITIATIVE ORDINANCE V
ORDINANCE PROHIBITING HARASSING OR
HOUNDING SOLICITATION

Adopted November 3, 1992

An Ordinance amending the San Francisco Municipal Code, Part II, Chapter 8 (Police Code) by adding Section 120-1 thereto prohibiting harassing or hounding acts in connection with soliciting money or any other valuable thing.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The San Francisco Municipal Code, Part II, Chapter 8 (Police Code) is hereby amended by adding Section 120-1 thereto reading as follows:

SEC. 120-1. AGGRESSIVE SOLICITING PROHIBITED.

(a) **Findings.** The people of the City and County of San Francisco find that aggressive solicitation for money directed at residents, visitors, and tourists in areas of the City open to the public imperils their safety and welfare. This conduct in turn jeopardizes the City's economy by discouraging visitors and prospective customers from coming to San Francisco for business, recreation, and shopping. This conduct also threatens to drive City residents out of the City for their recreational and shopping activities. Further, the people find that aggressive solicitation undermines the public's basic right to be in and enjoy public places without fear that they will be pursued by others seeking handouts. The people further find that no state laws address or protect the public from these problems.

(b) **Prohibition.** In the City and County of San Francisco, it shall be unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, including parks, to harass or hound another person for the purpose of inducing that person to give money or other thing of value.

(c) **Definitions.** For the purpose of this ordinance, an individual (solicitor) harasses or hounds another (solicitee) when the solicitor closely follows the solicitee and requests money or other thing of value, after the solicitee has expressly or impliedly made it known to the solicitor that the solicitee does not want to give money or other thing of value to the solicitor.

(d) **Penalties.**

(1) Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than \$50 or more than \$100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than \$200 or more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this section, if the

defendant has been previously convicted of a violation of this section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this section a second time within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this section a third time, and each subsequent time, within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(e) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The voters hereby declare that they would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

INITIATIVE ORDINANCE W

GEARY BOULEVARD/DIVISADERO STREET SPECIAL USE DISTRICT

Adopted November 3, 1992

An Ordinance creating the Geary Boulevard/Divisadero Street Special Use District to allow for the development of a medical out-patient clinic affiliated with and operated by a health maintenance organization and adopting land use controls and appeal procedures governing such a development.

NOTE: This entire section is new.

SECTION 1. Legislative Intent and Findings. The people of the City and County of San Francisco find that:

A. The inclusion of preventive health-care as an integral part of a comprehensive health-care delivery system by a health maintenance organization would provide residents and their families in San Francisco with affordable health-care. Affordable health-care is a quality of life issue and is as essential as food and shelter for all persons.

B. The ability to provide preventive health-care in a timely manner is critical to minimizing the costs of health-care in the City, the State and the United States. A lack of sufficient out-patient clinics to provide preventive health-care and timely diagnosis has resulted in long time delays for routine health-care maintenance.

C. The present City Planning Code defines out-patient clinic space which provides preventive health-care as an integral part of a comprehensive health-care delivery system by a health maintenance organization as medical offices.

D. Due to the unavailability of land within the boundaries of existing health maintenance organization campuses, expansion of out-patient clinics requires either the purchase of additional land or the leasing of privately developed facilities adjacent thereto.

E. Out-patient clinics which provide preventive care and other health-care services only to members of a health maintenance organization or to individuals required by law should be centralized in order to minimize duplication of equipment and personnel which ultimately results in higher health-care costs. Centralization of such facilities would assure the continued quality of life in our residential neighborhoods.

F. Such out-patient facilities should be located in an area which is well served by public transit and adjacent to a major thoroughfare, the predominate use of such proposed facility being essentially non-residential in character.

G. Within one block of this Special Use District, there are four (4) MUNI lines. Therefore, this Special Use District is easily accessible by public transit. Adequate off-street parking will be required to meet the needs of any development on this Special Use District.

H. The area to be reclassified is surrounded by institutional, retail and other commercial uses with minor residential uses. Only seven dwelling units will be

demolished for the development of an out-patient clinic serving more than 27% of the City's population.

I. The creation of this Special Use District is necessary in order to insure that adequate out-patient facilities exist so that members of health maintenance organizations will receive timely preventive health-care. Such out-patient facilities will include, but not be limited to, AIDS infusion centers, physicians' offices for office visits, and other treatment and diagnostic facilities for out-patient care.

J. Such out-patient facilities should not be burdened by the lengthy and cumbersome permit review process under the present City Planning Code which would add substantially to the cost of constructing such out-patient facilities with an attendant health-care cost increase for their members. Therefore, different land use controls and review procedures are needed to insure members of a health maintenance organization will receive quality and affordable health-care with an emphasis on preventive medical care.

K. Health maintenance organizations presently serve a large number of San Franciscans and their families and are important community facilities necessary to insure the health, safety and welfare of the City's residents. Therefore, the creation of a Special Use District allowing the development of out-patient clinics for a health maintenance organizations will promote the health, safety and welfare of the residents of San Francisco.

L. On balance, the creation of this Special Use District is consistent with the provisions of Section 101.1(b) of the City Planning Code.

SECTION 2. Amending Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) by adding Section 249.13 to read as follows:

(a) General. A Special Use District entitled the Divisadero Street/Geary Boulevard Special Use District, consisting of Lots 5, 5A, 6, 7, 8, 9, 9A, 10, 11 and 12 of Assessor's Block 1079 is hereby established for the purposes set forth below.

(b) Purposes. The following controls, imposed in the Geary Boulevard/Divisadero Street Special Use District, will advance the policies of the Commerce and Industry Element of the City's Master Plan in that they will encourage the expansion of needed health services, yet manage such expansion ensuring the preservation and integrity of residential neighborhoods in the City, and will promote the provision of adequate health services to all geographical districts and cultural groups within the City.

(c) Controls. The specific controls set forth herein shall apply only to the development of out-patient facilities affiliated with and operated by a health maintenance organization solely for the benefit of its members. Any development which does not meet the purposes set forth herein shall be governed by the underlying zoning controls.

(1) Design Review By Planning Commission. An applicant submitting an application for a proposed development and use pursuant to this Section shall be required to submit an application for design review by the Planning Commission. The design review application may be submitted concurrently with or before a building permit application.

(2) Fees. In addition to the building permit review fee set forth in Section 352, the project sponsor shall pay a fee of fifteen thousand dollars (\$15,000.00) per

application to compensate the Department of City Planning for compliance with this Section.

(3) Principal Permitted Uses. Ground floor uses shall be limited to those set forth for NC-3 Districts. Upper floor uses shall be limited to out-patient facilities, including physicians' offices needed to providing preventive health-care, and accessory administrative uses affiliated with and operated by a health maintenance organization, provided however that the accessory administrative use shall not occupy more than 15% of the floor area subject to the floor area ratio. For the purposes of interpreting "out-patient facilities" under this section, such facilities shall not be deemed an office use subject to the provisions of Sections 309 through 325 et seq.

(4) Basic Floor Area Ratio. The basic floor area ratio shall be six (6) to one (1). The provisions of Sections 102.9 and 102.10 defining gross floor area shall be used for calculating the floor area ratio. In addition to the floor area excluded from the floor area ratio calculation set forth in Sections 102.9 (b)(1) through 102.9(14) inclusive, and Section 102.10, dwelling units and other residential uses as defined in this ordinance shall be exempted from the floor area calculation.

(5) Dwelling Unit Density and Residential Use. The dwelling unit density shall be governed by the underlying zoning classification as set forth in Sections 207, 207.1, 209.1 and 209.2 of this Code. For the purposes of this section, residential use shall include rooms or beds used by out-patients receiving medical treatment at the health maintenance organization, including but not limited to patients receiving treatment at the AIDS infusion center, or receiving chemo-therapy treatment, regardless of the length of stay of such out-patients.

(6) Height And Bulk Restrictions. The applicable Height and Bulk for this Special Use District shall be 105-X.

(7) Rear Yards. The requirements of this Code applicable to rear yards and applicable to dwelling units or other residential use may be modified by the Planning Commission as part of the design review, if all of the following conditions are met:

(A) The interior block open space formed by the rear yards of the abutting properties will not be adversely affected;

(B) A comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents; and

(C) The access to light and air for abutting properties will not be significantly impeded.

(8) Required Set-Backs. The Planning Commission may impose a side set-back of up to 15 feet above the building height of 65 feet if it determines that this requirement is necessary to achieve a superior architectural design.

(9) Demolitions. Demolition of any building containing residential uses and any conversion from residential to non-residential uses above the ground floor shall be permitted provided that the notice and relocation assistance provisions of Chapter 37 of the San Francisco Administrative Code (The San Francisco Residential Rent Arbitration and Stabilization Ordinance) are met.

If the Commission determines, during its design review, that the public benefits to be gained do not outweigh the adverse impacts from the demolition of the residential units, the Commission may impose conditions to reduce such adverse impact. The conditions may require that the applicant pay to the City Controller the sum of one hundred thousand dollars (\$100,000.00) to mitigate the loss of housing units. Said amount paid to the City shall thereafter be used exclusively for the development of

housing affordable to individuals or households with income not to exceed 80% of the median income of the San Francisco Standard Metropolitan Areas as defined by HUD.

(10) Parking. One (1) off-street parking space for every 500 square feet of occupied floor area of out-patient facility space and accessory use space shall be provided. The provisions of Section 151 of this Code shall govern off-street parking requirements for all other allowable uses in this Special Use District. The Planning Commission may reduce the off-street parking requirement if it finds that all or part of the off-street parking requirement is provided by existing off-street parking serving the health maintenance organization, and that such off-street parking is located within one block of the Special Use District.

(11) Appeal. The decision of the Planning Commission may be appealed to the Board of Permit Appeals within fifteen (15) days after action by the Planning Commission on the design review application. The procedure for appeal shall be as described in Section 308.2. The decision of the Planning Commission, or that of the Board of Permit Appeals on appeal shall constitute a final determination on all land use and Planning Code issues, except for review by a court of competent jurisdiction. Review by the Board of Permit Appeals on the issuance of a building or site permit for a proposed structure for this Special Use District shall be limited to issues arising out of the San Francisco Building Code, Health Code and Fire Code.

SECTION 3. Severability. If any part of this ordinance is held to be unconstitutional or otherwise invalid, that shall not affect the validity of any remaining part or parts of this ordinance. The people of the City and County of San Francisco hereby declare that they would have passed each part of this ordinance irrespective of the unconstitutionality or invalidity of any other part or parts thereof.

INITIATIVE ORDINANCE X**ORDINANCE REFORMING GENERAL ASSISTANCE PROGRAM**

Adopted November 2, 1993

An Ordinance Amending San Francisco Administrative Code by amending Sections 20.56.8, 20.58.1, 20.59.10, and 20.59.16 and adding Section 20.56.14 to reform the City and County of San Francisco's General Assistance Program.

*Be it ordained by the People of the City and County
of San Francisco:*

Section 1. Findings. The people of the City and County of San Francisco find that existing regulations in the General Assistance program do not adequately provide for stringent fraud prevention and cost control. Accordingly, the people find that it is in the City's best interest to institute new regulations which will help achieve these goals and at the same time ensure that the legitimate needs of the residents of San Francisco are met.

1. The City should establish a fingerprint system that (a) will help prevent persons from unlawfully obtaining multiple aid payments, and (b) can be conducted in a confidential manner protecting individual rights.

2. At present, a person applying for aid in San Francisco is eligible to receive General Assistance merely by being present and stating his or her intent to remain in San Francisco. Establishing a 15-day residency requirement, the maximum allowed by law, will make San Francisco's requirements consistent with the requirements existing in surrounding counties.

3. At present, aid recipients who fail to comply with program requirements are sanctioned for a period of 14 days. Changing the sanction period to 30 days will make San Francisco's regulation consistent with the regulations in surrounding counties.

4. Currently the penalties imposed against a person who receives aid through fraud are no different from the penalties imposed against a person who merely fails to comply with program requirements. Moreover, a person who repeatedly obtains aid through fraud receives no stronger sanction than an inability to apply for aid for 14 days. The new regulations will enable the City to impose a series of progressive sanction against persons who repeatedly commit these acts of fraud.

5. Presently the City is unable to reduce grants for a period of more than six months in order to recover overpayments of aid. Consequently, the City is unable to fully recover amounts overpaid in most cases. The new regulations will eliminate the six month time limit and allow for full recovery of overpayments.

Section 2. The San Francisco Administrative Code is hereby amended by amending Sections 20.56.8, 20.58.1, 20.59.10, and 20.59.16 to read as follows:

SEC. 20.56.8. RESIDENCY REQUIREMENT. Residence in the City and County of San Francisco for fifteen (15) continuous days, prior to the time of application, is a requirement of eligibility for General Assistance. No aid shall be paid until such residence is verified, except as provided in Section 20.57.4. Residence in the City and County of San Francisco is established by physical presence and intent to reside in the City and County of San Francisco which is satisfactorily substantiated by the applicant or recipient.

SECTION 20.58.1. FAILURE TO SATISFY REQUIREMENTS FOR CONTINUING ELIGIBILITY. Recipients who fail to comply with applicable provisions of this ordinance and the regulations promulgated thereunder may have their aid withheld, decreased or discontinued as set forth in Department regulations.

In the case of discontinuance of a recipient, the recipient shall be unable to reapply for a period of at least thirty days from the effective date of discontinuance, provided that the Department affords the recipient all due process to which the recipient is entitled under statutory and other law.

SEC. 20.59.10. FAIR ADMINISTRATION; DISCLOSURES; OVERPAYMENT. The Department shall administer this program fairly to the end that all eligible persons who apply for assistance shall receive aid promptly, with due consideration for the needs of the applicant/recipient and the safeguard of public funds.

(a) Any applicant for, or recipient or payee of, aid under this Chapter shall be informed as to the provisions of eligibility and his or her responsibility for reporting facts material to a correct determination of eligibility, continuing eligibility and grant.

(b) Any applicant for, or recipient or payee of, aid under this Chapter shall be responsible for reporting accurately and completely all facts required of him or her pursuant to Subdivision (a) and for reporting promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him or her pursuant to Subdivision (a) is entitled to rely upon the aid granted as being accurate, and the warrant he or she receives as correctly reflecting the grant award except as provided in Subdivision (d), (e), (f).

(d) Overpayment due to administrative error or negligent failure to report facts required by this Article or department regulations may be recouped in accordance with the provisions of Section 20.55.2(m) governing recoupment in the absence of recipient fraud, until collected in full, following discovery of overpayment.

(e) Overpayment due to false statement or representation or by impersonation or other fraudulent device or by intentional failure to report facts required by this article or department regulations shall be recouped in accordance with the provisions of Section 20.55.2(m) governing recoupment upon an administrative determination of recipient fraud, until collected in full, following discovery of overpayment.

(f) Overpayment due to false statement or representation or by impersonation or other fraudulent device or by intentional failure to report facts as required by this Article or department regulations shall result in immediate discontinuance of aid subject to fair hearing procedures in Article VII of this Chapter. The case shall be referred to the Special Investigation Unit of the Department of Social Services. Any aid granted under such circumstances shall be offset against any future aid as set forth in Section 20.55.2(m).

SEC. 20.59.16. FRAUD IN OBTAINING AID. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device, or by intention failure to report facts required by this Article or department regulations, obtained aid under this Chapter, the matter shall be referred to the District Attorney's office for appropriate action.

Further, upon the first discontinuance of aid within a twenty-four month period due to false statement or representation or by impersonation or other fraudulent device, or by intentional failure to report facts required by the Article or department regulations, an applicant or recipient shall be unable to reapply for aid for a period of thirty days.

Upon the second such discontinuance within a twenty-four month period, the applicant or recipient shall be unable to reapply for aid for a period of sixty days.

Upon the third, or additional, such discontinuance within a twenty-four month period, the applicant or recipient shall be unable to reapply for aid for a period of ninety days.

Section 3. The San Francisco Administrative Code is hereby amended as follows by adding section 20.56.14 to read as follows:

SEC. 20.56.14. FINGERPRINT INFORMATION. For the purpose preventing multiple aid payments to the same person, the Department may require that applicants and recipients provide fingerprints as a condition of eligibility or continuing eligibility, subject to such procedures and regulations as the Department may adopt. Failure to cooperate with the fingerprint procedures provides grounds for denial or discontinuance of aid.

Such fingerprints are subject to all applicable state and federal laws and regulations regarding the confidentiality of information of applicants for, or recipients of, public benefits.

Section 4. By adopting this ordinance, the people of the City and County of San Francisco do not intend to limit or in any way curtail any powers the Board of Supervisors may exercise to amend, repeal or otherwise alter this ordinance or any provision of this ordinance.

Section 5. Severability. If any subsection, sentence, clause, phrase, or word of this ordinance be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this ordinance or any part thereof. The voters hereby declare that they would have adopted this ordinance notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

INITIATIVE ORDINANCE Y**ORDINANCE PROHIBITING LOITERING AT OR NEAR CASH DISPENSING MACHINES**

Adopted June 7, 1994

An Ordinance amending the San Francisco Municipal Code, Part II, Chapter 8 (Police Code) by adding Section 121 thereto prohibiting persons from loitering at or near cash dispensing machines.

NOTE: This section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Municipal Code, Part II, Chapter 8 (Police Code) is hereby amended by adding Section 121 thereto reading as follows:

SEC. 121. LOITERING AT OR NEAR CASH DISPENSING MACHINES PROHIBITED.

(a) **Findings.** The People of the City and County of San Francisco find that persons who loiter or linger at or near cash dispensing machines imperil the public's safety and welfare. Cash dispensing machines have become the site of robberies and assaults. Prohibiting loitering or lingering at or near such machines may decrease the incidence of these crimes by providing law enforcement officers with an additional crime fighting tool that does not infringe on any person's basic rights.

In addition, the People find that persons making legitimate use of cash dispensing machines have become intimidated and fearful for their safety because of the presence of persons loitering at or near the machines. No state law addresses this type of behavior or protects the public from these problems.

(b) **Prohibition.** In the City and County of San Francisco, it shall be unlawful for any person to loiter or linger at or near any cash dispensing machine located on the exterior of any building.

(b) **Definitions.**

(1) For the purpose of this ordinance, a person loiters or lingers at or near a cash dispensing machine when the person remains within thirty (30) feet of such a machine for a period of over one minute, while another person is conducting lawful business by using the cash dispensing machine.

(2) For the purposes of this ordinance, a cash dispensing machine is any machine at which a person may obtain cash by inserting a coded card. Cash dispensing machines include what are commonly referred to as automatic teller machines.

(d) **Application.** This ordinance is not intended to prohibit any person from engaging in any lawful business that must be conducted within thirty (30) feet of a cash dispensing machine, such as (1) conducting a transaction at a cash dispensing machine; (2) waiting in line to conduct a transaction at a cash dispensing machine; (3) accompanying or assisting another person, with that person's permission, in conducting a transaction at a cash dispensing machine; or (4) activities such as waiting for a bus at a bus stop or waiting in line to enter a theater or other business where

the bus stop or line is within thirty (30) feet of a cash dispensing machine. Lawful business does not include any activity that can be conducted more than thirty (30) feet from a cash dispensing machine.

Before any law enforcement officer may cite or arrest a person under this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance.

(e) Penalties.

(1) First Conviction. Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than \$50 or more than \$100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than \$200 or more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(2) Subsequent Convictions. In any accusatory pleading charging a violation of this section, if the defendant has been previously convicted of a violation of this section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this section a second time within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 or more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this section a third time, and each subsequent time, within a thirty-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(f) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The People hereby declare that they would have adopted this Section notwithstanding the unconstitutionality, invalidity or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

Section 2. After July 1, 1995, the Board of Supervisors shall have the power to amend or repeal this Ordinance if the Board finds that such amendment or repeal is in the best interest of the People of the City and County of San Francisco.

INITIATIVE ORDINANCE Z**RENT CONTROL**

Adopted November 8, 1994

An Ordinance amending the San Francisco Administrative Code by amending Section 37.2(p), adding a new Section 37.12 and renumbering the current Section 37.12 to extend the City's Rent Control Ordinance to occupied apartments in buildings containing four or fewer apartments even if the landlord lives in one of the apartments.

Section 1. This ordinance shall take effect upon certification of election results by the Board of Supervisors of the City and County of San Francisco.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 37.2(p), adding a new Section 37.12 and renumbering the current Section 37.12 as follows:

Sec. 37.2 Definitions.

[Amended by Ord. No. 197-80 effective June 8, 1980; No. 77-82 effective April 1, 1982; No. 268-82 effective July 10, 1982; No. 421-82 effective October 1, 1982; No. 111-83 effective April 10, 1983; No. 438-83 effective October 2, 1983; No. 20-84 effective February 18, 1984; No. 193-86 effective July 1, 1986; No. 233-93 effective August 22, 1993.]

(a) **Base Rent.** That rent which is charged a tenant upon initial occupancy plus any rent increase allowable and imposed under this chapter; provided, however, that base rent shall not include increases imposed pursuant to Section 37.7 below or utility passthroughs pursuant to Section 37.2(o) below. Base rent for tenants of RAP rental units in areas designated on or after July 1, 1977 shall be that rent which is established pursuant to Section 32.73-1 of the San Francisco Administrative Code. Rent increases attributable to the Chief Administrative Officers amortization of a RAP loan in an area designated on or after July 1, 1977 shall not be included in the base rent.

(b) **Board.** The Residential Rent Stabilization and Arbitration Board.

(c) **Capital Improvements.** Those improvements which materially add to the value of the property, appreciably prolong the useful life, or adapt it to new uses, and which may be amortized over the useful life of the improvement of the building.

(d) **CPI.** Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Metropolitan Area, U.S. Department of Labor.

(e) **Energy Conservation Measures.** Work Performed pursuant to the requirements of Article 12 of the San Francisco Housing Code.

(f) **Hearing Officer.** A person, designated by the board, who arbitrates rental increase disputes.

(g) **Housing Services.** Services provided by the landlord connected with the use or occupancy of a rental unit including, but not limited to, repairs, replacement, maintenance, painting, light, heat, water, elevator service, laundry facilities and

privileges, janitor service, refuse removal, furnishings, telephone, parking and any other benefits, privileges or facilities.

(h) **Landlord.** An owner, lessor, sublessor, who receives or is entitled to receive rent for the use and occupancy of any residential rental unit or portion thereof in the City and County of San Francisco, and the agent, representative or successor of any of the foregoing.

(i) **Member.** A member of the Residential Rent Stabilization and Arbitration Board.

(j) **Rap.** Residential Rehabilitation Loan Program (Chapter 32, San Francisco Administrative Code).

(k) **RAP Rental Units.** Residential dwelling units subject to RAP loans pursuant to Chapter 32, San Francisco Administrative Code.

(l) **Real Estate Department.** A city department in the City and County of San Francisco.

(m) **Rehabilitation Work.** Any rehabilitation or repair work done by the landlord with regard to a rental unit, or to the common areas of the structure containing the rental unit, which work was done in order to be in compliance with State or local law, or was done to repair damage resulting from fire, earthquake or other casualty or natural disaster.

(n) **Rent.** The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, or the assignment of a lease for such a unit, including but not limited to monies demanded or paid for parking, furnishings, food service, housing services of any kind, or subletting.

(o) **Rent Increases.** Any additional monies demanded or paid for rent as defined in item (n) above, or any reduction in housing services without a corresponding reduction in the monies demanded or paid for rent; provided, however, that where the landlord has been paying the tenants utilities and cost of those utilities increase, the landlords passing through to the tenant of such increased costs does not constitute a rent increase.

(p) **Rental Units.** All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. The term shall not include:

(1) housing accommodations in hotels, motels, inns, tourist houses, rooming and boarding houses, provided that at such time as an accommodation has been occupied by a tenant for thirty-two (32) continuous days or more, such accommodation shall become a rental unit subject to the provisions of this chapter; provided further, no landlord shall bring an action to recover possession of such unit in order to avoid having the unit come within the provisions of this chapter. An eviction for a purpose not permitted under Sec. 37.9(a) shall be deemed to be an action to recover possession in order to avoid having a unit come within the provisions of this chapter;

(2) dwelling units in non-profit cooperatives owned, occupied and controlled by a majority of the residents or dwelling units solely owned by a non-profit public benefit corporation by a board of directors the majority of which are residents of the dwelling units and where it is required in the corporate by-laws that rent increases be approved by a majority of the residents;

(3) housing accommodations in any hospital, convent, monastery, extended care facility, asylum, non-profit home for the aged, or in dormitories owned and operated by an institution of higher education, a high school, or an elementary school;

(4) dwelling units whose rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development; provided, however, that units in unreinforced masonry buildings which have undergone seismic strengthening in accordance with Building Code Chapters 14 and 15 shall remain subject to the Rent Ordinance to the extent that the Ordinance is not in conflict with the seismic strengthening bond program or with the bond program's loan agreements or with any regulations promulgated thereunder;

(5) rental units located in a structure for which a certificate of occupancy was first issued after the effective date of this ordinance, except as provided in Section 37.9A(b) of this chapter;

(6) dwelling units in a building which has undergone substantial rehabilitation after the effective date of this ordinance; provided, however, that RAP rental units are not subject to this exemption.

(q) **Substantial Rehabilitation.** The renovation, alteration or remodeling of residential units of 50 or more years of age which have been condemned or which do not qualify for certificates of occupancy or which require substantial renovation in order to conform the building to contemporary standards for decent, safe and sanitary housing. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction extensive improvements that cure substantial deferred maintenance. Cosmetic improvements alone such as painting, decorating and minor repairs, or other work which can be performed safely without having the unit vacated do not qualify as substantial rehabilitation.

(r) **Tenant.** A person entitled by written or oral agreement, sub-tenancy approved by the landlord, or by sufferance, to occupy a residential dwelling unit to the exclusion of others.

(s) **Utilities.** The term utilities shall refer to gas and electricity exclusively.

Section 37.12 Transitional Provisions

This section is enacted in order to assure the smooth transition to coverage under this chapter of owner occupied buildings containing four units or less, as a result of the repeal of the exemption for owner-occupied units. The provisions of this section apply only to such units. The units are referred to as "newly covered units" in this section. The term "effective date of coverage" as used herein means the effective date of the repeal of the owner occupancy exemption.

(a) The initial base rent for all newly covered units shall be the rent that was in effect for the rental unit on May 1, 1994. If no rent was in effect for the newly covered unit on May 1, 1994, the initial base rent shall be the first rent in effect after that date.

(b) All rents paid after May 1, 1994, in excess of the initial base rent under Section 37.12(a), shall be refunded to the tenant no later than December 15, 1994. If the landlord fails to refund the excess rent by December 15, 1994, the tenant may deduct the mount of the refund from future rent payments, or bring a civil action under Section 37.11A, or exercise any other existing remedies. All tenants residing

in newly covered units are entitled to this refund, even if the tenant vacated before the effective date of coverage of the newly covered units.

Sec. 37.13 Severability.

[Amended by Ord. No. 172-80 effective May 2, 1980; No. 468-80 effective October 30, 1980; No. 509-81 effective November 18, 1981; repealed by Ord. No. 77-82 effective April 1, 1982; re-numbered from Section 37-14 by Ord. No. 20-84 effective February 18, 1984.]

If any provision of clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are declared to be severable.

INITIATIVE ORDINANCE AA**OFFICIAL NEWSPAPERS**

Adopted November 8, 1994

An Ordinance amending Article IX of Chapter 2 of the San Francisco Administrative Code regarding the way the Board of Supervisors selects the official City newspapers and publishes City notices.

Be it ordained by the people of the City and County of San Francisco that Article IX of Chapter 2 of the San Francisco Administrative Code be deleted and amended to read as follows:

**ARTICLE IX
OFFICIAL and OUTREACH
NEWSPAPER(S)**

SEC. 2.80. FINDINGS. The People of San Francisco find and declare that the City and County has a responsibility to inform its citizenry about the goings on of local government. To best accomplish this, the City and County should utilize locally published newspapers to reach the general public, including the many separate and diverse communities which make up the population of the City and County.

Under this Article, the City and County wishes to exercise its power in deeming official newspaper(s) to maximize the citizenry's access to public notices which are required to be published by law. In addition, the City and County wishes to implement an aggressive outreach plan to meet the public information needs of those communities and neighborhoods which may not be adequately served by the official newspaper(s).

SEC. 2.80-1. DEFINITIONS. As used in this Article, the following words and phrases shall have the meanings indicated herein:

A. "Official Newspaper:" Pursuant to the provisions of Section 10.100(f) of the Charter, the official newspaper or newspapers of the City and County is hereby defined as a newspaper of general circulation published for the dissemination of local or telegraphic news and intelligence of general character, which has a bona fide circulation of at least 50,000 copies per calendar week and which is printed in the City and County on three or more days in a calendar week.

B. "Outreach Communities" shall reflect the diversity in race and sexual orientation of the population of the City and County. They shall include: (1) the Lesbian/Gay/Bisexual community, (2) the African American community, (3) the Hispanic community, and (4) the Chinese community. The Board of Supervisors may determine different outreach communities from time to time.

C. "Outreach Periodical" shall mean a periodical which circulates primarily in one of the outreach communities and which is printed in the City and County on one or more days in a calendar week.

D. "Outreach Advertisement" shall be an advertisement placed in the selected outreach periodicals one time per week. This advertisement shall be no larger than

four inches wide by six inches high and shall be prepared by the Clerk of the Board of Supervisors at the direction of the Board. The Clerk shall select and include in each week's advertisement those major items pertaining to governmental operations for that week.

E. "Joint Venture" shall mean any association or business relationship of two or more businesses which act as a single entity or contractor in submitting a bid proposal or in providing such services to the City and County.

SEC. 2.81. OFFICIAL NEWSPAPER(S) — DESIGNATION. In each year, the Board of Supervisors shall designate the official newspaper or newspapers as herein below set forth.

On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for: (1) The publication of all official advertising of the City and County which is required by law to be published on two or more consecutive days, and all official advertising of the City and County which is required to be published in accordance with the provisions of Sections 2.200 or 2.201 of the Charter for special meetings of the Board of Supervisors and its standing or special committees; and (2) the publication of all official advertising of the City and County, which is required by law to be published one time, other than the provisions of Sections 2.200 or 2.201 of the Charter as they relate to special meetings of the Board of Supervisors and its standing or special committees; and all official advertising of the City and County, which is required by law to be published more than one time, but not more than three times a week for a specified number of weeks. Said notices shall be published once in the appropriate official newspaper of the City and County. At least five days shall intervene between the date of publication and the time for filing such sealed proposals. Each proposal shall be required to include among other things:

A. Bidder's most recent circulation audit report covering a period of established and verified circulation for at least six months.

B. A Distribution Declaration from bidder declaring that any individual or business entity within the City and County who requests delivery of that newspaper shall receive delivery of the same general newspaper, and in the same timely fashion as every other person.

C. Each bidder who submits a bid as a joint venture, or which is to be performed by a joint venture, must include a copy of a fully executed joint venture agreement. Each joint venture partner individually must meet all of the requirements set forth in the Charter and Administrative Code.

D. Each bidder must establish that it has met all minimum requirements listed in paragraphs 2.81(a), 2.81(b), and 2.81(c), above, for at least four full weeks prior to bid opening.

The Purchaser shall evaluate each proposal taking into consideration the cost of advertising in each newspaper, the circulation of each newspaper, and the cost of each newspaper to the general public according to the following point system:

A. Advertising Price. The newspaper which bids the lowest price for advertising shall receive fifteen points. Every other newspaper shall receive a proportionate number of points ("Proportional Advertising Price Points"), according to the following formula:

$$\text{Proportional Advertising Price Points} = 15 \times \frac{\text{Lowest Price Bid}}{\text{Higher Price Bid}}$$

As used in this formula, "Lowest Price Bid" shall be the dollar amount bid by the newspaper submitting the lowest price bid for advertising. "Higher Price Bid" shall mean the dollar amount bid for advertising by the particular other newspaper as to which the point calculation is made.

B. Circulation. The newspaper with the largest circulation shall receive 10 points. Every other newspaper shall receive a proportionate number of points ("Proportional Circulation Points"), according to the following formula:

$$\text{Proportional Circulation Points} = 10 \times \frac{\text{Lower Circulation}}{\text{Highest Circulation}}$$

As used in this formula, "Lower Circulation" shall mean the circulation of the particular other newspaper as to which the point calculation is made (calculated according to subsection B(1)). "Highest Circulation" shall mean the circulation of the bidding newspaper with the highest circulation (calculated according to subsection B(1)).

B(1). Circulation Calculation: For Item 1 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for all days of a one week period. For Item 2 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for any three days of a one week period.

C. Newspaper Cost. Any newspaper with a majority of circulation that is free of charge to the general public shall receive an additional five points.

D. Local/Minority/Woman Ownership. Any bidder whose newspaper is locally owned and operated shall receive an additional two points. Any bidder whose newspaper has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose newspaper is woman-owned shall receive an additional two points.

The purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendation(s) to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate a newspaper or newspapers as the official newspaper or newspapers of the City and County for the ensuing fiscal year, and the Purchaser shall let a contract or contracts to said newspaper(s) for said fiscal year.

SEC. 2.81-1. USE OF OFFICIAL NEWSPAPERS. If the circulation of the official newspaper(s) varies by day or the cost of advertising varies by day, the Purchaser shall direct all city departments to advertise in those editions of the newspaper(s) with the greatest circulation and lowest advertising cost.

SEC. 2.81-2. OUTREACH FUND.

A. Establishment of Fund. Each fiscal year the Purchaser shall establish an outreach fund by withholding ten percent of all revenue paid to each official newspaper. The Purchaser shall accrue these funds on a monthly basis.

B. Purpose of Fund. This fund is created for the purpose of placing weekly outreach advertisements in selected outreach periodicals. Outreach advertisements shall be paid for solely by using monies from the outreach fund.

C. Balance of Monies in Fund. Any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and shall be appropriated then or thereafter for the purposes specified.

SEC. 2.81-3. OUTREACH PERIODICALS — DESIGNATION. In each year, the Board of Supervisors shall designate the outreach periodical for each outreach community as herein below set forth.

On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for the purpose of selecting one outreach periodical from each outreach community. The Purchaser shall evaluate each proposal according to the following point system:

A. Advertising Price. For each outreach community, the periodical which bids the lowest price shall receive fifteen points. Every other periodical for that outreach community shall receive a proportional amount of points according to the relation of its price to the price of the lowest bidder.

B. Circulation. For each outreach community, the periodical with the largest circulation shall receive ten points. Every other periodical for that outreach community shall receive a proportionate amount of points according to the relation of its circulation to the largest circulation. Circulation shall be calculated by taking the total number of copies distributed in the City and County on any one day during a one week period.

C. Periodical Cost. Any periodical with a majority of circulation that is free of charge to the general public shall receive an additional five points.

D. Local/Minority Ownership. Any bidder whose periodical is locally owned and operated shall receive an additional two points. Any bidder whose periodical has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose periodical is women-owned shall receive an additional two points.

E. Foreign Language publications. Periodicals with a majority of its editorial content published in the native language of that outreach community shall receive an additional five points.

The Purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendations to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate periodicals as the outreach periodicals of the City and County for the ensuing fiscal year, and the Purchaser shall let contracts to said periodicals for said fiscal year.

SEC. 2.81-4. NEIGHBORHOOD OUTREACH. If the Board of Supervisors finds that certain neighborhoods are not being adequately served by the official newspaper(s) and the outreach periodicals, the Board may authorize additional advertising in monthly neighborhood publications which target certain neighborhoods in San Francisco.

INITIATIVE ORDINANCE AB
ELECTIONS TASK FORCE

Adopted November 8, 1994

An Ordinance amending Chapter VIII of the San Francisco Administrative Code by adding Sections 5.87 through 5.89, relating to the creation of an Elections Task Force to draft plans for a different method of electing the Board of Supervisors.

NOTE: This entire ordinance is new.

Be it ordained by the People of the City and County of San Francisco:

Chapter VIII of the San Francisco Administrative Code is hereby amended by adding sections 5.87 through 5.89 to read as follows:

SEC. 5.87. Elections Task Force.

An elections task force is hereby established. The elections task force shall consist of nine members. The mayor, the board of supervisors, and registrar of voters each shall appoint three members of the task force. The members shall have a background in the election process in San Francisco and shall be broadly representative of the People of the City and County of San Francisco. The registrar of voters, or his or her designee, shall serve as a nonvoting members of the task force. The appointing authorities shall make their appointments no later than thirty days after the effective date of this ordinance. Members of the task force shall serve without compensation.

SEC. 5.88. Duties.

The elections task force shall prepare one or more plans, in the form of proposed charter amendments, that will provide the people of the City and County of San Francisco with a fair and adequate method of electing members of the board of supervisors to represent the People of the City and County. In preparing these plans, the task force shall consider all relevant factors, including but not limited to the costs associated with seeking election to the board of supervisors, effective representation of the diversity of the City's neighborhoods and communities, the effect on the legislative process of establishing geographical districts within the City, the most appropriate number of supervisorial seats and the compensation provided to the members of the board of supervisors. The task force, in fulfilling this duty, shall consult with the registrar of voters. In order that the board of supervisors may present a charter amendment to voters on this issue at the November 1995 election, the elections task force shall present its plans to the board of supervisors no later than May 1, 1995.

SEC. 5.89. Funding.

The City and County of San Francisco hereby appropriates from any legally available funds \$25,000 to fund the task force in the performance of its duties. The

Controller is directed to prepare all necessary documentation to process this appropriation through the office of the Clerk of the Board of Supervisors. Any funds remaining after the task force completes its duties shall be returned to the general fund of the City and County.

INITIATIVE ORDINANCE AC
GENERAL ASSISTANCE PAYMENTS

Adopted November 8, 1994

An Ordinance amending Section 20.59.2 of the San Francisco Administrative Code by deleting language regarding aid payments through warrants or checks, and by requiring participation in a mandatory direct payment program for recipients who have not secured their own housing.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative code is hereby amended by amending Section 20.59.2, to read as follows:

SEC. 20.59.2 AID PAYMENTS; MANDATORY DIRECT RENT PAYMENT PROGRAM. The Department may require those applicants and recipients who have not secured their own housing to participate in a mandatory direct rent payment program. Under such a program, notwithstanding Section 20.59.4(b), the Department may pay housing costs for an applicant or recipient directly to the housing provider, or a third party, with whom the Department may contract, on behalf of the housing provider. Such direct rent payment shall be deducted from the maximum General Assistance grant amount, as specified in this Article, for which an applicant or recipient is eligible. The Department shall adopt regulations to provide a mechanism for payment to the applicant or recipient the balance of any grant amount to which he or she is entitled and may adopt additional regulations as necessary to implement this program.

For purposes of this section, the Department may adopt regulations to define “housing” which would qualify for this program to include, but not be limited to, public and private rental housing, supportive housing managed by community organizations or public agencies, transitional housing, or other means of accommodation as determined appropriate by the General Manager, and which conforms to applicable health, building and safety codes.

Refusal to accept placement in housing provided under this program, subject to the provisions of Section 20.57.1(b) of this Article, constitutes grounds for denial or discontinuance of aid.

INITIATIVE ORDINANCE AD
FERRY BUILDING AND PIER 52

Adopted November 8, 1994

An Ordinance amending Chapter 61 of the San Francisco Administrative Code by amending Section 61.2 to allow the City to approve restoration and improvements (1) the Ferry Building and Agricultural Building and adjacent pier area and (2) the public boat launch near Pier 52.

Be it ordained by the people of the City and County of San Francisco:

Section 61.2 is hereby amended to read as follows:

SEC. 61.2. LAND USE PLANNING PROCESS.

(a) Upon adoption of this initiative, the Board of Supervisors shall within 30 days request the Port Commission to prepare a "Waterfront Use Land Plan" which is consistent with the terms of this initiative for waterfront lands as defined by this ordinance. Should the Port Commission not agree to this request within 30 days of the Board of Supervisors request, the Board of Supervisors shall have 30 days to designate a different City agency or department to prepare the "Waterfront Land Use Plan."

(b) The agency drafting the "Waterfront Land Use Plan" shall consult the City Planning Commission to ensure development of a plan consistent with the City's Master Plan. The final plan and any subsequent amendments thereto shall be subject to a public hearing conducted by the City planning Commission to ensure consistency between the plan and the City's Master Plan.

(c) The "Waterfront Land Use Plan" shall define land uses in terms of the following categories:

- (1) Maritime land uses;
- (2) Acceptable non-maritime land uses; and
- (3) Unacceptable non-maritime uses.

Land uses included in these categories which are not part of the initial ordinance shall be added to Sections 61.3 through 61.5 of this ordinance as appropriate. No deletions from Sections 61.3 through 61.5 shall be allowed unless approved by the voters of San Francisco;

(d) No City agency or officer may take, or permit to be taken, any action to permit the new development of any non-maritime land use (except those land uses set forth in Section 61.4 below) on the waterfront until the "Waterfront Land Use Plan" has been completed. Non-maritime land uses existing or which have all their necessary permits, as of January 1, 1990, shall be exempt from this limitation. Non-maritime land uses included in the following projects shall be exempt from this limitation provided that the projects shall be subject to all other applicable laws and regulations and that hotels are not permitted: (1) a project to restore two buildings on the San Francisco waterfront that are listed on the federal National Register of Historic Places as of January 1, 1994, specifically the Ferry Building and the Agricultural Building, while continuing the role of the Ferry Building area as a transportation

center, and to improve the adjacent pier areas including existing structures, up to but not including any portion of Pier 1 on the north and extending to include the pier area adjoining and south of the Agricultural Building, and (2) a project to improve the public boat launch and dock facility near Pier 52 if the non-maritime land use is limited to a retail and food service use of approximately 3,000 square feet to serve the recreational boating and water use community.

(e) The "Waterfront Land Use Plan" shall be reviewed by the agency which prepared it or by such other agency designated by the Board of Supervisors at a minimum of every five years, with a view toward making any necessary amendments consistent with this initiative.

(f) The "Waterfront Land Use Plan" shall be prepared with the maximum feasible public input.

INITIATIVE ORDINANCE AE
NEIGHBORHOOD CRIME PREVENTION

Adopted November 8, 1994

An Ordinance appropriating \$900,000 in each of the next three years to provide grants to assist in neighborhood crime prevention efforts.

NOTE: This entire ordinance is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

1. Violent crimes and crimes against property continue to be a major concern of the people of San Francisco for which they expect City government to provide aggressive solutions.

2. Adult crime in San Francisco in the categories of homicide, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft increased 6.4% to 8,444 offenses between 1992 and December 1, 1993.

3. Juvenile crime in the same categories increased 18.06% to 1,955 offenses in the same period.

4. Adult crime increased as follows: Homicide 31.03%, rape 32.76%, aggravated assault 11.48%, robbery 3.44%, burglary 15.68%, larceny 3.28%, and motor vehicle theft decreased 3.23%.

5. Juvenile crime increased as follows: Homicide 123.08%, aggravated assault 20.22%, robbery 76.62%, larceny 30.25%, and motor vehicle theft 1.21%, while reported cases of rape decreased 33.33%, and burglary decreased 21.59%.

6. Increased crime and violence in San Francisco have resulted from deteriorating economic opportunities and a complex set of social problems, including lower educational achievement, a proliferation of drug use, inadequate recreational opportunities for youth, and the diminished role of parents and families in raising children.

7. A complex set of conditions in a neighborhood can serve to encourage criminal activity, including the lack of organization and involvement of residents in preserving the quality of life in their neighborhood, insufficient recreational and job opportunities for youth, hostilities between adults and youth in the neighborhood, unmaintained properties and unkempt conditions, inadequate street lighting and other conditions that permit street crime to go undetected; inadequate Police presence and street patrols, and code violations in neighborhood properties.

8. Criminals are less likely to operate in a neighborhood that is highly organized, in which residents take an obvious interest in the quality of life in their area, and in which residents take aggressive action to make it is more difficult to commit undetected crime.

9. Neighborhoods that successfully organize to address the factors that contribute to crime often succeed in achieving meaningful reductions in crime and experience feelings of increased safety.

10. Neighborhoods are more likely to succeed in reducing crime if they have assistance from trained crime prevention specialists who can help them organize and implement a comprehensive neighborhood crime prevention strategy.

11. Community policing models assuring a highly visible presence of Police Officers in neighborhoods organizing to prevent crimes are vital to the success of crime prevention efforts.

12. Neighborhoods require assistance in achieving results from the many City agencies that can contribute in significant ways to successful strategies to reduce crime, including the Department of Public Works, the Recreation and Park Department, the District Attorney, the Department of Parking and Traffic, and the City Attorney.

13. To succeed in reducing crime, neighborhoods may occasionally need to make expenditures in support of their efforts to organize special events, conduct recreation and jobs programs for youth, and organize neighborhood cleanups.

14. Neighborhoods often succeed in reducing crime only to move criminal activity to an adjoining area, necessitating organizing efforts in each and every neighborhood capable of sustaining a level of community organization.

15. San Francisco must fund the highest possible number of uniformed officers, yet it is extremely cost-effective to hire neighborhood-based crime prevention specialists to guide residents in projects to reduce crime.

16. Current City funding for crime prevention is inadequate to assure that all San Francisco neighborhoods are organized to fight crime.

17. The Board of Supervisors has previously passed a resolution urging the Mayor's Criminal Justice Council to designate funds to permit the issuance of a Request for Proposals to identify a single agency or a single consortium of community organizations to conduct a neighborhood crime prevention program employing neighborhood crime prevention specialists.

18. The functions of the program should be to assign crime prevention specialists to every neighborhood in the City to assist neighbors in developing and implementing strategies to address factors that contribute to crime, including, but not limited to, the lack of organization and involvement of residents in preserving the quality of life in their neighborhood, insufficient recreational and job opportunities for youth, hostilities between adults and youth in the neighborhood, unmaintained properties and unkempt conditions, inadequate street lighting and other conditions that permit street crime to go undetected, inadequate Police presence and street patrols, the unwillingness of landlords to evict tenants involved in criminal activities including drug dealing, and code violations in neighborhood properties.

19. The agency conducting this crime prevention program should have demonstrated interest and experience in organizing neighborhood children, youth and their families to avoid crime.

Section 2. The voters of the City and County of San Francisco urge the Mayor and Chief of Police to assure that the Police Department is engaged in a meaningful program of community policing and that neighborhoods will be assured support by the Department for requests for visible presence of Police Officers in their areas:

Section 3. The voters request the Mayor and the Mayor's Criminal Justice Council to identify the funds necessary to augment the Council's existing capacity

to make grants to neighborhoods in support of programs that will significantly contribute to reducing crime, including organizing special events, conducting recreation and jobs programs for youth, and organizing neighborhood cleanups. The intent of this ordinance is to provide funding for newly created programs or for the expansion of current programs that will assist in neighborhood crime prevention efforts.

Section 4. The City and County of San Francisco hereby appropriates from any legally available funds \$900,000 annually for fiscal years 1995-1996 through 1997-1998 to assist in carrying out the purposes as stated in Section 3 of this ordinance, which shall be known as the Neighborhood Crime Prevention Program. Efforts shall be made by the City and County of San Francisco to secure private and other governmental funding to help defray the costs of this Program. Any and all non-City funds that are obtained for the benefit of the Neighborhood Crime Prevention Program during its three year period will be used to reduce the \$900,000 City and County appropriation required for the funding of this Program for the appropriate year by the amount of the non-City funds.

Section 5. The Police Commission is authorized and directed to award from the \$900,000 annual appropriations, as provided in Section 4 of this ordinance, the neighborhood grant or grants required to implement this program.

INITIATIVE ORDINANCE AF
MUNICIPAL RAILWAY AUDIT

Adopted November 7, 1995

An Ordinance requiring the city to conduct a management audit of the Municipal Railway system and implement an Action Plan based on audit results, appropriating \$125,000 to pay for the cost of the audit.

Be it ordained by the People of the City and County of San Francisco:

SEC. 1. COMPLETE MANAGEMENT AUDIT OF THE MUNICIPAL RAILWAY; SCOPE OF AUDIT; TIME FOR COMPLETION.

(a) The City and County of San Francisco hereby mandates that a comprehensive management audit be conducted by the Budget Analyst of the Board of Supervisors. Further, the Transportation Commission shall conduct a series of public hearings to discuss the audit and its findings, and that after the Transportation Commission shall prepare an Action Plan and submit it to the Mayor. The Mayor, the Transportation Commission, the head of the Municipal Railway, and the Board of Supervisors shall use their best efforts to implement and take all steps necessary to carry out costs savings, efficiencies, and safety measures outlined in the Action Plan.

(b) No later than thirty days after the effective date of this ordinance, the Budget Analyst of the San Francisco Board of Supervisors shall begin a comprehensive management audit of the Municipal Railway. The Budget Analyst may retain the services of a qualified professional transit consultant to assist the Budget Analyst with the management audit. The Budget Analyst shall deliver a report of its findings and recommendations to the Transportation Commission no later than six months after commencement of the Audit or seven months after the effective date of this ordinance.

(c) The audit shall include, but not be limited to the following:

- (1) Improved Service and Scheduling
- (2) Increasing Cost Efficiencies
- (3) Selling of Surplus Assets
- (4) Acquisition Plans for New Equipment
- (5) Salaries and Employee Benefits
- (6) Safety of Passengers and Drivers
- (7) Contracting Out Specific Routes

SEC. 2 REVIEW AND ADOPTION OF RECOMMENDATIONS OF ACTION PLAN, BASED ON REVIEW OF AUDIT RECOMMENDATIONS AND PUBLIC HEARINGS; IMPLEMENTATION.

(a) Within eight months after effective date of this ordinance, the Transportation Commission of the City and County of San Francisco shall begin three consecutive months of public hearings to review the findings and recommendations contained in the report.

(b) Within thirteen months after the effective date of this ordinance, the Transportation Commission shall approve and propose to the Mayor its recommended

Action Plan for implementation of audit recommendations and related steps to improve service, safety, and cost-effectiveness.

(c) The Mayor shall approve the Commission's Action Plan, and the Transportation Commission, the Municipal Railway Director, the Mayor, and the Board of Supervisors shall use their best efforts to implement the Action Plan.

SEC. 3 PROHIBITION OF FARE INCREASES PRIOR TO COMPLETION OF THE AUDIT, PUBLIC HEARINGS AND APPROVAL BY THE MAYOR.

The voters of the City and County of San Francisco hereby prohibit the Mayor, the Board of Supervisors, and the Transportation Commission to allow any fare increase from taking effect unless and until the audit is completed and the audit recommendations are discussed at public hearings, and an Action Plan has been approved by the Mayor, as provided above.

SEC. 4 APPROPRIATION.

Within 30 days after the effective date of this ordinance, the people hereby mandate that the City and County of San Francisco shall appropriate the sum of \$125,000 from any legally available funds for the Transportation Commission to pay the fees and expenses of the Budget Analyst and the professional transit consultant. The Controller is directed to prepare all the necessary documentation to process this appropriation.

SEC. 5 SEVERABILITY.

If any provision or clause of sections one through four hereinabove, or the application thereof to any person or circumstance, is held to be void, invalid, or otherwise unenforceable for any reason whatsoever by any court of competent jurisdiction, such voidness, invalidity, or unenforceability shall not affect the other provisions and clauses of the said sections, to this end the provisions and clauses of the said sections are declared to be severable.

INITIATIVE ORDINANCE AG
CAMPAIGN FINANCE REFORM

Adopted November 7, 1995

An Ordinance amending the San Francisco Administrative Code by amending Sections 16.501, 16.502, 16.503, 16.505, 16.508, 16.509 and 16.515 thereof and adding Sections 16.510-1 through 16.510-6 thereto, related to campaign finance reform.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending section 16.501, 16.502, 16.503, 16.505, 16.508, 16.509 and 16.515 thereof and adding Sections 16.510-1 through 16.510-6 thereto, to read as follows:

Article XII
SAN FRANCISCO CAMPAIGN FINANCE
REFORM ORDINANCE

SEC. 16.501. PURPOSE AND INTENT.

(a) Huge sums of moneys often are necessary to finance American election campaigns. Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. In addition, this fundraising distracts public officials seeking reelection from focusing upon important public matters, encourages contributions which may have a corrupting influence, and gives incumbents an unfair fundraising advantage over potential challengers. These developments undermine the integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials.

(b) It is the purpose and intent of the Board of Supervisors of the City and County of San Francisco in enacting this Article to (1) place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections and to provide full and fair enforcement of all the provisions in this Article; (2) ensure that all individuals and interest groups in our city have a fair opportunity to participate in elective and governmental processes; (3) create an incentive to limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes beyond the amount necessary to communicate reasonably with voters; (4) reduce the advantage of incumbents and thus encourage competition for elective office; (5) allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents' community; (6) ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of the important issues involved in political campaigns; (7) limit contributions to eliminate or reduce the appearance or reality that large contributors may exert undue influence over elected officials; and (8) help restore public trust in governmental and electoral institutions.

(c) This Article is enacted in accordance with the terms of Sections 5 and 7 of Article XI of the Constitution of the State of California and Section 1.01 of the Charter of the City and County of San Francisco.

SEC. 16.502. CITATION. This Article may be cited as the San Francisco Campaign Finance Reform Ordinance.

SEC. 16.503. DEFINITIONS. Whenever in this Article the following words or phrases are used, they shall mean:

(a) "Candidate" shall mean any individual listed on the ballot for election to any City and County elective office or who otherwise has taken affirmative action to seek nomination or election to such office.

(b) "Charitable Organization" shall mean an entity exempt from taxation pursuant to Title 26, Section 501 of the United State Code.

(c) "Committee" shall mean any person acting, or any combination of two or more persons acting jointly, in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(d) "Contribution" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "contribution" shall include loans of any kind or nature.

(e) "Election" shall mean any primary, general or runoff municipal election held in the City and County of San Francisco for City elective office. With respect to the offices of Public Defender and Assessor, primary and general elections are separate elections for purposes of this ordinance. The primary election period for these offices shall extend from January 1 of the first year of an election cycle up to and including the date of the primary election, and the general election period for these offices shall extend from the day following the primary election up to and including December 31 of the fourth year of the election cycle. With respect to the offices of Mayor, City Attorney, District Attorney, Sheriff and Treasurer, general and runoff elections are separate elections for the purposes of this ordinance. The general election period shall extend from January 1 of the first year of an election cycle up to and including the date of the general election, and the runoff election period shall extend from the date of the general election up to and including December 31 of the fourth year of the election cycle.

(f) "Enforcement authority" shall mean the District Attorney of the City and County of San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in this Article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(g) "Measure" shall mean any City and County Charter amendment or other election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

(h) "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

(i) "City Elective Office" shall include and be limited to the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer,

Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District.

(j) "Election Cycle" shall mean a four year period preceding a term of office as defined by the San Francisco Charter, beginning on January 1, and ending on December 31 of the fourth year thereafter.

(k) "Qualified Campaign Expenditure" for candidates includes all of the following:

1) Any expenditure made by a candidate, officeholder or committee controlled by the candidate or officeholder, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any candidate for City elective office.

(2) A non-monetary contribution provided to the candidate, officeholder or committee controlled by the candidate or officeholder.

(3) That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one candidate which is the cost actually paid or incurred by the committee or controlled committee of the candidate.

SEC. 16.505. CAMPAIGN CONTRIBUTION TRUST ACCOUNT — ESTABLISHMENT.

Each campaign treasurer shall establish a campaign contribution trust account for the candidate or committee at an office of a bank located in the City and County of San Francisco, the account number and branch identification of which shall be filed with the Registrar of Voters within 10 days of the establishment thereof. All of the expenditures by the candidate or committee for the City elective office sought shall be made from that account.

SEC. 16.508. CAMPAIGN CONTRIBUTIONS — LIMITATIONS.

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed \$150.

(b) For candidates who adopt the expenditure ceilings as defined in section 16.510-3 this Chapter, no person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed \$500.

(c) Each campaign treasurer who receives a contribution which exceeds the limit imposed by this section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.

(d) A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code section

82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(e) This Section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee granted to said candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963).

SEC. 16.509. MUNICIPAL RUN-OFF ELECTION.

All provisions of this Article, unless specified otherwise herein, shall be applicable in any municipal run-off for any City and County office. In addition, the following provisions shall be applicable in any such municipal run-off election:

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed \$100.

(b) For candidates who adopt the expenditure ceilings as defined in section 16.510-3 of this Chapter, no person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed \$250.

(c) Each campaign treasurer who receives a contribution which exceeds the limit imposed by this section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.

(d) No person shall make, and no campaign treasurer shall solicit or accept, any contribution in connection with a run-off election for a City elective office until the day following the date of the general election for that office.

(e) The amount a person may contribute in support of or opposition to a candidate in connection with a run-off election shall be controlled solely by the limits imposed by this section without regard to the amount said person contributed in support of or opposition to the candidate in the general election.

(f) Any candidate who qualifies for a run-off election may utilize unexpended campaign funds from the general election campaign for the run-off election, provided that the applicable expenditure ceilings shall continue to apply.

(g) A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

SEC. 16.510-1. PERSONS PROHIBITED FROM MAKING CONTRIBUTIONS IN THE NAME OF ANOTHER.

(a) No contribution of one hundred dollars (\$100) or more other than an in-kind contribution shall be made unless by written instrument containing the name of the donor and the name of the payee.

(b) No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

(c) Any candidate who receives a contribution made in violation of this section shall pay promptly, from available campaign funds, the amount of the contribution to the City Treasurer for deposit in the General Fund of the City and County.

SEC. 16.510-2. CONTRACTORS DOING BUSINESS WITH THE CITY PROHIBITED FROM MAKING CONTRIBUTIONS.

No person who contracts with the City and County of San Francisco, for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidate for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and either the completion of, or the termination of, negotiations for such contract.

SEC. 16.510-3. EXPENDITURE CEILINGS.

All candidates for City elective office who adopt campaign expenditure ceilings as defined below are permitted the higher contribution limits as defined in sections 16.508(b) and 16.509(b). Before accepting any contributions at the higher contribution limits, candidates who adopt voluntary expenditure ceilings must first file a statement with the Registrar of Voters indicating acceptance of the expenditure ceiling. Said statement shall be filed no later than the deadline for filing nomination papers with the Registrar of Voters, and once filed may not be withdrawn. This statement is a public document.

The Registrar of Voters shall cause to be published in the Voter Information Pamphlet, on the same page as appears the candidate's statement of qualifications, a notice informing voters whether the candidate has adopted the voluntary expenditure ceiling.

SEC. 16.510-4. AMOUNT OF EXPENDITURE CEILINGS.

(a) In primary elections, any candidate for Assessor or Public Defender who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$175,000. In general elections, any candidate for Assessor or Public Defender who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding \$100,000.

(b) In general elections, any candidate for Mayor who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$600,000. In run-off elections, any candidate for Mayor who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding \$400,000.

(c) In general elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$175,000. In run-off elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding \$100,000.

(d) Any candidate for the Board of Supervisors who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$250,000.

(e) Any candidate for the Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$75,000.

(f) The Ethics Commission is authorized to adjust annually the expenditure ceilings imposed by this section to reflect the change in the California Consumer Price Index for that year.

SEC. 16-510-5. TIME PERIODS FOR EXPENDITURES.

(a) For purposes of the expenditure ceilings for the offices of Assessor and Public Defender, qualified campaign expenditures made at any time on or before the date of the primary shall be considered primary election expenditures, and qualified expenditures made after date of the primary election shall be considered general election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

(b) For purposes of the expenditure ceilings for the offices of City Attorney, District Attorney, Treasurer and Sheriff, qualified campaign expenditures made at any time before the general election shall be considered general election expenditures, and qualified expenditures made after the general election shall be considered run-off election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

SEC. 16-510-6. EXPENDITURE CEILINGS LIFTED.

(a) If a candidate declines to accept expenditure ceilings and receives contributions or makes qualified campaign expenditures in excess of 50% of the applicable expenditure ceiling, or if an independent expenditure committee or committees in the aggregate spend in support of or in opposition to a candidate more than 25% of the applicable expenditure ceiling, the applicable expenditure limit shall no longer be binding on any candidate seeking election to the same office, and any candidate running for the same office who accepted expenditure limits shall be permitted to continue to receive contributions at the amount set for such candidates in section 16.508(b) or 16.509(b).

(b) Any candidate who declines to adopt the voluntary expenditure ceiling and who receives contributions, makes expenditures or has funds in his campaign trust account that exceed 50% of the applicable expenditure ceiling shall, within 24 hours of exceeding 50% of the applicable expenditure ceiling, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Within 24 hours after receiving such notice, the Ethics Commission shall inform every other candidate for that office by registered mail, return receipt requested, that the campaign ceiling has been lifted.

(c) Any independent expenditure committee that spends in support of or in opposition to a candidate more than 25% of the applicable expenditure ceiling shall, within 24 hours of reaching this threshold, file a statement with the Ethics Commis-

sion, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, any such committee shall file a supplemental statement with the Ethics Commission each time the independent expenditure committee spends in support of or in opposition to such candidate an additional 5% of the applicable expenditure ceiling. The supplemental statements shall be filed within 24 hours of reaching these spending thresholds.

SEC. 16.510-7. INDEPENDENT EXPENDITURES FOR MASS MAILINGS, SLATE MAILINGS OR OTHER CAMPAIGN LITERATURE.

Any person who makes independent expenditures for a mass mailing, slate mailing or other campaign materials which support or oppose any candidate for City elective office shall place the following statement on the mailing or materials in typeface no smaller than 14 points:

Notice to Voters
(Required by City and County of
San Francisco)
This mailing is not authorized or approved
by any candidate for City and County office
or by any election official.
It is paid for by
(name and committee identification
number).
(address, city, state).
Total cost of this mailing is (amount)

SEC. 16.515. PENALTIES.

(a) Any person who knowingly or willfully violates any provision of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment; provided, however, that any willful or knowing failure to report contributions or expenditures done with intent to mislead or deceive or any willful or knowing violation of the provisions of Section 16.508 or Section 16.509 of this Article shall be punishable by a fine of not less than \$500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 16.508 or Section 16.509 of this Article, or three times the amount expended in excess of the amount allowable pursuant to Section 16.510-4, whichever is greater.

(b) Any person who intentionally or negligently violates any of the reporting requirements or contribution or expenditure limitations set forth in this Article shall be liable in a civil action brought by the civil prosecutor for an amount up to \$500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 16.508 or Section 16.509, or three times the amount expended in excess of the amount allowable pursuant to Section 16.510-4, whichever is greater.

Section 2.

It is the intent of the Board of Supervisors that this ordinance, including the penalty provisions, apply to the General Municipal Election to be held in the City and County in November 1995. This section provides the transition provisions necessary to realize that intent.

(a) Notwithstanding any other provision of this ordinance, any candidate for the office of Mayor, Sheriff or District Attorney who filed a Declaration of Intention To Become A Candidate pursuant to section 16.510 before the effective date of this ordinance and who seeks to adopt the voluntary expenditure ceilings for the November 1995 election shall file the statement required by section 16.510-3 no later than 10 days after the effective date of this ordinance. Any candidate who files a Declaration of Intention To Become A Candidate pursuant to section 16.510 after the effective date of this ordinance and who seeks to adopt the voluntary expenditure ceilings for the November 1995 election shall file the statement required by section 16.510-3 no later than 10 days after the filing of the Notice of Intention to Solicit Contributions.

(b) Notwithstanding any other provision of this ordinance, any candidate for the office of Mayor, Sheriff or District Attorney at the November 1995 election who does not adopt the voluntary expenditure ceiling set forth in this ordinance shall return to any contributor who contributed more than \$150 to said candidate on or after February 6, 1995, that amount contributed in excess of \$150. The candidate shall return the excess contribution to the contributor no later than 90 days after the effective date of this ordinance. However, candidates who decline to adopt the voluntary expenditure ceiling need not return, and may continue to accept, contributions at the higher contribution limits imposed by section 16.508(b) until such candidates have received contributions in an amount equal to the amount of contributions received by the candidate who had received the largest total amount of contributions as of February 6, 1995.

(c) Notwithstanding any other provision of this ordinance, the expenditure ceiling for the November 1995 general municipal election for Mayor shall be \$600,000 plus the amount of contributions that have been received by the candidate who has received the highest total amount of contributions as of February 6, 1995. Each candidate for Mayor at the November 1995 general municipal election who received contributions on or before February 6, 1995 shall provide to the Registrar of Voters a statement executed under penalty of perjury stating the amount of contributions the candidate received on or before February 6, 1995. This statement shall be filed no later than ten days after the effective date of this ordinance. Thereafter, no later than twenty days after the effective date of this ordinance, the Registrar shall inform each candidate who has filed a Declaration of Intention To Become A Candidate for that office by certified mail of the applicable expenditure limit.

(d) Notwithstanding any other provision of this ordinance, the expenditure ceiling for the November 1995 general municipal election for Sheriff shall be \$175,000 plus the amount of contributions that have been received by the candidate who has received the highest total amount of contributions as of February 6, 1995. Each candidate for Sheriff at the November 1995 general municipal election who received contributions on or before February 6, 1995 shall provide to the Registrar of Voters a statement executed under penalty of perjury stating the amount of contributions the candidate received on or before February 6, 1995. This statement shall be filed no later than ten days after the effective date of this ordinance. Thereaf-

ter, no later than twenty days after the effective date of this ordinance, the Registrar shall inform each candidate who has filed a Declaration of Intention To Become A Candidate for that office by certified mail of the applicable expenditure limit.

(e) Notwithstanding any other provision of this ordinance, the expenditure ceiling for the November 1995 general municipal election for District Attorney shall be \$175,000 plus the amount of contributions that have been received by the candidate who has received the highest total amount of contributions as of February 6, 1995. Each candidate for District Attorney at the November 1995 general municipal election who received contributions on or before February 6, 1995 shall provide to the Registrar of Voters a statement executed under penalty of perjury stating the amount of contributions the candidate received on or before February 6, 1995. This statement shall be filed no later than ten days after the effective date of this ordinance. Thereafter, no later than twenty days after the effective date of this ordinance, the Registrar shall inform each candidate who has filed a Declaration of Intention To Become A Candidate for that office by certified mail of the applicable expenditure limit.

(f) With respect elections held in calendar year 1995, the Registrar of Voters shall perform the duties of the Ethics Commission specified in Administrative Code section 16.510-6.

TABLE I

**DISPOSITION OF SECTIONS OF THE 1932 CHARTER
AS AMENDED IN THE 1971 (RECODIFIED) EDITION
OF THE CHARTER**

1932 Charter Section	Recodified Charter Section	1932 Charter Section	Recodified Charter Section
1	1.100	17	2.306
2	par. 1 1.101	18	3.700
	par. 2 11.100	19	par. 1 2.101
	par. 3 11.101		par. 2 (a-i) 3.500
	par. 4 11.102		par. 3 3.500
	par. 5 1.101	20	3.501
3	1.102	21	2.400, 3.701
4	10.103	22	par. 1 2.401, 3.101, 3.500
5	par. 1 9.100		par. 2 2.401, 3.500
5.1	9.101	23	par. 1 11.102
6	par. 1 8.102		par. 2 2.307
	par. 2 8.104	24	par. 1 7.707
7	par. 1 8.100		par. 2 6.402, 7.704
8	8.101		3.537, 3.510
9	par. 1 2.101		par. 3 7.500, 7.704, 7.707
	par. 2 2.101		par. 4 6.403
	par. 3 2.101	24.1	6.412
	par. 4 2.102	25	3.100
10	par. 1 2.100	26	3.401
	par. 2 2.200, 2.202	26.1	3.401
	par. 3 2.200	27	7.700
10.1	2.201	28	3.400
11	8.107	29	3.402
12	2.203	30	3.402
13	par. 1 2.300	31	3.405
	par. 2 2.300	32	3.404
	par. 3 2.300	33	3.403
	par. 4 2.300	34	3.406
	par. 5 2.300	34.1	par. 1 3.406 (b)
	par. 6 2.300, 10.100 (f)		par. 2 3.406 (c)
	par. 7 2.300		par. 3 3.406 (b)
13.1	2.300	35	par. 1 3.530, 3.538
14	par. 1 2.302		par. 2 3.538
	par. 2 2.302		par. 3 3.538
	par. 3 2.303	35.1	3.532
	par. 4 2.302	35.2	Deleted
	par. 5 2.302	35.3	3.534
15	2.305, 2.300	35.4	3.533
16	2.304, 2.301	35.5	par. 1 3.531

Disposition of 1932 Charter Sections

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	par. 2	8.405 (a)		par. 3	Deleted
35.5½		8.451	41	par. 1	3.551
35.5.1		8.405 (a)		par. 2	3.551
35.5.2		8.405 (b)		par. 3	Deleted
35.6		3.537	41.1		7.403 (a)
35.7		3.537	42	par. 1	3.552
35.8		3.539		par. 2	3.552
35.8.1		3.539		par. 3	3.552
35.9		3.535		par. 4	3.552
35.10		3.536		par. 5	Deleted
35.11		8.405 (a)	42.1	par. 1	3.552
35.12		3.537		par. 2	3.552
35.13		Deleted		par. 3	3.553
36	par. 1	3.540	42.2		7.403 (b)
	par. 2	3.541	42.3		7.403 (c)
	par. 3	3.540	42.4		6.400 (b)
	par. 4	3.542	43	par. 1	3.560
	par. 5	3.542		par. 2	3.560
	par. 6	3.542		par. 3	3.561
	par. 7	3.542		par. 4	8.300 (a)
	par. 7	8.405		par. 5	Deleted
	par. 8	8.452	44	par. 1	3.610
	par. 9	8.452		par. 2	3.611
	par. 10	3.547		par. 3	6.404 (a)
	par. 11	8.405	45		3.600
36.1		Deleted	46		3.601
36.1½		3.543	47		Deleted
36.2		8.405 (c)	48		Deleted
36.2.1		Deleted	48.1		Deleted
36.3	par. 1	8.405 (d)	48.2	par. 1	3.582
	par. 2	Deleted		par. 2	6.401 (b)
	par. 3	Deleted		par. 3	3.582
	par. 4	8.405 (c)		par. 4	3.582
	par. 5	Deleted		par. 5	3.580
37		3.544	48.3	par. 1 - 18	3.581
38		3.545		par. 19 - 22	7.305
38.01	par. 1	3.542		par. 23 - 24	3.581
	par. 2-9	8.327		par. 25	3.585
	par. 10	8.405 (c)	48.4	par. 1- 3	3.583
	par. 11	Deleted		par. 4	8.300 (c)
	par. 12	Deleted		par. 5	3.584
38.1		Deleted		par. 6 - 15	6.406
38.2		Deleted	49		3.100
38.3		3.546	50	par. 1	3.620
39	par. 1	3.650		par. 2	3.621, 3.622, 8.300 (a), 3.623
	par. 2	3.651		par. 3	6.404 (b)
40	par. 1	3.550		par. 4	3.624
	par. 2	3.550			

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Disposition of 1932 Charter Sections

51	par. 1	3.630	69	par. 1	6.100
	par. 2	3.631		par. 2-6	6.200
	par. 3	3.631, 6.404 (c), 3.632, 8.300 (a), 3.633		par. 7	6.203
	par. 4	3.634	69.1		6.202
52	par. 1	3.640	69.2		7.304
	par. 2	3.641, 3.642	70		6.201
	par. 3	3.643	70.1	par 1-19	8.406
	par. 4	6.404 (d)		par. 20	Deleted
	par. 5	8.300 (d), 8.300		par. 21	8.406
	Par. 6	3.644	71		8.400 (h)
52.1		6.411	72	par. 1	6.203
53		4.100		par. 2	6.203, 6.204
54		4.101		par. 3-8	6.204
55		4.102		par. 9-13	6.205
56		4.103		par. 14	6.206
57		4.104		par. 15	6.301
58	par.1-9	4.105		par. 16	6.300
	par. 10	8.300 (a)	73		6.207
	par. 11	4.105	74		6.205
59		3.200	75		6.308
60		3.201	76		6.302
61	par. 1-3	3.510	77		6.305
	par. 4	3.510, 11.102	78	par. 1	6.208
	par. 5	11.102, 3.510		par. 2	6.400 (c)
	par. 6	11.102		par. 3	6.400 (a)
	par. 7	3.510	79		6.307
	par. 8	11.102, 3.510, 8.300	80		6.306
	par. 9	3.510	81		6.304
	par. 10	3.510	82		6.311
	par. 11	8.300, 3.510	83		6.310
	par. 12-16	3.510	84		6.309
61.1	par. 1-5	3.570	85	par. 1	6.303
	par. 6	3.571		par. 2	8.400 (b)
	par. 7	3.573, 11.102	85.1	par. 3—6	6.303
	par. 8	8.300 (a)			8.400 (b)
	par. 9	3.572	86	par. 1	6.306
62		8.300(a)		par. 2	6.302
63	par. 1	3.300		par. 3.	6.313
	par. 2	Deleted		par. 4	6.302
64	par. 1-2	3.301	87	par. 5	6.312
	par. 3	3.301, 3.596	88		7.703
	par. 4	3.301	88.1		7.100
65		3.302	88.2		7.101
66		3.303			7.102
67		3.304	89		7.103
68		3.305	90		7.104
			91		7.400
			92	par. 1	7.401

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	par. 2	6.409	117.3	par. 1, 2	7.503
	par. 3	7.401		par. 3	3.651
92.1		7.703	118		3.527
93		7.402	119		3.599
93.1		7.402	119.1		Deleted
94		7.400	120		3.590
95		7.200	121	par. 1-7	3.591
95.1		7.201		par. 8	3.597, 6.401 (c)
96		7.202	122		3.592
97		7.203	123		7.404
98		7.204	124		3.593
99		7.205	125	par. 1	8.300 (a) par. 2,
100		7.206			8.300 (f)
101		7.300		par. 2	Deleted
101.2		7.307		par. 3	Deleted
102		7.301		par. 4	8.450
103		7.302	125.1		8.300 (e)
104		6.401 (a)	126		3.594
105		7.303	127		6.407 (a)
106	par. 1	3.510	128		6.407 (c)
	par. 2	Deleted	128.1		6.407 (d)
	par. 3	3.510	129		6.407 (e)
107	par. 1	7.600	130		3.598
	par. 2	3.510	131		Deleted
107.1		3.510	132		Deleted
108		7.601	132.1		3595 (c)
109		7.602	133		3.595 (a)
110		7.603	134		5.100
111		6.409	135		5.101
112		7.604	135.1		5.103
113		7.605	136		5.102
114		7.606	136.1		5.104
115	par. 1	3.520, 3.521	137		3.690
	par. 2	3.521	137.1		3.691
	par. 3	Deleted	137.2		7.405
	par. 4	3.521	137.3		3.691 par 2
116	par. 1	3.522, 3.523	137.4	par. 1	3.693
	par. 2	3.524		par. 2	3.692
	par. 3	3.524	137.5		3.693 par. 2 & 3
	par. 4	3.524	137.6		8.300 (h)
	par. 5	3.525	137.7		3.694
	par. 6	3.526	138		6.408
	par. 7	3.529	138.1		6.408
	par. 8	3.528	139		7.306
116.1		3.527	139.1		3.690
117		Deleted	139.2		Deleted
117.1		7.501	140	par. 1	3.660, 8.310 (a)
117.2		7.502		par. 2-5	3.660

141	.....	3.661	152	.....	3.661 (b)
142	par. 1-7	8.300 (a)	153	par. 1	8.360
	par. 8	Deleted		par. 2-9	8.361
	par. 9	8.103		par. 10	Deleted
142.1	.....	Deleted		par. 11	8.363
143	.....	8.200	153.1	.....	8.362
144	.....	8.320 (a), 8.320 (d)	154	par. 1-3	8.341
145	par. 1	Deleted		par. 4	8.342
	par. 2	Deleted	155	.....	8.343
	par. 3	Deleted	155.1	.....	8.344
	par. 4	Deleted	156	par. 1	8.350 (a)
	par. 5	Deleted		par. 2	8.350 (b)
	par. 6	Deleted		par. 3	8.350 (c)
145.01	.....	Deleted	156.1	.....	8.351
145.02	.....	8.310	156.2	par. 1	8.350 (d)
145.1	par. 1	Deleted		par. 2	8.350 (e)
	par. 2	6.405	156.3	.....	8.350 (f)
	par. 3, 4	Deleted	157	.....	8.311
146	par. 1	8.326, 8.327	158	.....	8.500
	par. end	8.327	158.1	.....	8.501
146.1	.....	Deleted	158.2	.....	8.502
147	.....	8.325	158.3	.....	8.503
147.1	par. 1	Deleted	158.4	.....	8.504
	par. 2	Deleted	158.5	.....	8.507
148	par. 1, 2	8.329	159	par. 1	3.670, 3.672
	par. 3	Deleted		par. 2	3.671
149	par. 1-4	Deleted	160	.....	8.510
	par. 5	8.333	161	.....	8.520 (a)
150	.....	8.400	161.1	.....	8.520 (b)
151	par. 1	8.400 (a)	161.2	.....	8.520 (c)
	par. 2	8.401, 8.402	161.3	.....	8.520 (d)
	par. 3-10	8.401	161.5	.....	8.520 (e)
151.1	.....	8.401	162	.....	8.560
151.2	.....	8.401	163	.....	8.511
151.3	par. 1, 2	8.403	164	.....	8.525
	par. 3-13	Deleted	164.1	.....	8.526
	par. 14, 15	8.403	165	.....	8.507
151.3.1	.....	8.404	165.1	.....	8.508
151.4	.....	8.440	165.1.1	.....	8.530
151.4.1	.....	8.440	165.1.2	.....	8.531
151.4.2	.....	8.440	165.1.4	.....	8.532
151.4.3	.....	8.440	165.1.5	.....	8.533
151.4.4	.....	8.440	165.2	.....	8.509
151.4.5	.....	8.440	165.2.1	.....	8.534
151.4.6	.....	8.440	165.3	.....	8.512
151.5	par. 1, 2	8.440	165.4	.....	8.513
	par. 3	Deleted	165.6	.....	8.514
151.6	.....	8.411	166	.....	8.540

166.1	8.541	172.1.9	3.682
167	8.542	172.1.10	8.427
168	8.543	172.1.11	8.428
168.1	8.544	172.1.12	8.429
168.1.1	8.545	172.1.13	8.430
168.1.2	8.546	172.1.14	8.431
168.1.3	8.547	172.1.15	8.432
168.1.4	8.548	173	9.102
168.1.5	8.549	174	9.103
168.1.5.1	8.550	175	9.104
168.1.5.2	8.550	176	9.105
168.1.6	8.551	177	9.106
168.1.7	8.552	178	9.107
168.1.8	8.553	179	9.108
168.1.9	8.554	180	9.109
168.1.10	8.555	181	9.110
168.1.11	8.556	182	9.111
168.1.12	8.557	183	9.112
168.1.13-168.1.18	Deleted	184	9.113
168.2	8.561	185	9.114
169	8.565	186	9.115
170	8.566	187-218	Superseded by state statutes
171	8.568	219	8.410
171.1.1	8.569	220	7.702
171.1.2	8.570	221	10.100 (e)
171.1.3	8.571	222	par. 1 8.105 (a)
171.1.4	8.572		par. 2 8.105 (b)
171.1.5	8.573		par. 3 8.105 (c)
171.1.5.1	8.574		par. 4 8.105 (d)
171.1.6	8.575	222.1	par. 1 8.105 (e)
171.1.7	8.576		par. 2 8.105 (f)
171.1.8	8.577		par. 3 8.105 (g)
171.1.9	8.578		par. 4 8.105 (h)
171.1.9.1	8.562		par. 5 8.105 (i)
171.1.10	8.579	223	8.106
171.1.11	8.580	224	10.100 (g)
171.1.12	8.581	225	10.101
171.1.13-171.1.15	Deleted	226	10.102
172	8.515		
172.1	8.420		
172.1.1	3.680		
172.1.2	8.421		
172.1.3	8.422		
172.1.4	8.423		
172.1.5	8.424		
172.1.6	8.425		
172.1.7	8.426		
172.1.8	3.681		

TABLE II

ORIGIN OF SECTIONS OF THE 1971 (RECODIFIED)
EDITION OF THE 1932 CHARTER AS AMENDED

Recodified Charter Section		1932 Charter Section	Recodified Charter Section		1932 Charter Section
1.100	.....	1	3.406	.....	34
1.101	.....	2		(b)	34.1
1.102	.....	3		(c)	34.1
2.100	.....	10	3.500	.....	19
2.101	.....	9			19
		19			22
2.102	.....	9	3.501	.....	20
2.200	.....	10	3.510	.....	24
2.201	.....	10.1			61
2.202	.....	10			
2.203	.....	12			61
2.300	.....	13			106
		13.1			107
		15			107.1
2.301	.....	16	3.520	.....	115
2.302	.....	14	3.521	.....	1115
		par. 1, 2			
		par. 4, 5			par. 4
2.303	.....	14	3.522	.....	116
2.304	.....	16	3.523	.....	116
2.305	.....	15	3.524	.....	116
2.306	.....	17	3.525	.....	116
2.307	.....	23	3.526	.....	116
2.400	.....	21	3.527	.....	116.1
2.401	.....	22			118
3.100	.....	25, 49	3.528	.....	116
3.101	.....	22	3.529	.....	116
3.200	.....	59	3.530	.....	35
3.201	.....	60	3.531	.....	35.5
3.300	.....	63	3.532	.....	35.1
3.301	.....	64	3.533	.....	35.4
3.302	.....	65	3.534	.....	35.3
3.303	.....	66	3.535	.....	35.9
3.304	.....	67	3.536	.....	35.10
3.305	.....	68	3.537	.....	24
3.400	.....	28			35.6
3.401	.....	26, 26.1			35.7
3.402	.....	29, 30			35.12
3.403	33	3.538	35
3.404	32	3.539	35.8
3.405	31			35.8.1

Origin of 1971 Charter Sections

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3.540	36	par. 1, 3	3.624	50	par. 4
3.541	36	par. 2	3.630	51	par. 1
3.542	36	par. 4-6	3.631	51	par. 2, 3
		38.01	par. 1	3.632	.....	51	par. 3
3.543	.....	36.1 ^{1/2}		3.633	.....	51	par. 3
3.544	.....	37		3.634	.....	51	par. 3
3.545	.....	38		3.640	.....	52	par. 1
3.546	.....	38.3		3.641	.....	52	par. 2
3.547	.....	36	par. 10	3.642	.....	52	par. 2
3.550	.....	40	par. 1, 2	3.643	.....	52	par. 3
3.551	.....	41	par. 1, 2	3.644	.....	52	par. 6
3.552	.....	42	par. 1-4	3.650	.....	39	par. 1
		42.1	par. 1, 2	3.651	.....	39	par. 2
3.553	.....	42.1	par. 3			117.3	par. 3
3.560	.....	43	par. 1, 2	3.660	.....	140	par. 1-5
3.561	.....	43	par. 3	3.661	.....	141	
3.570	.....	61.1	par. 1-5		(b)	152	
3.571	.....	61.1	par. 6	3.670	.....	159	par. 1
3.572	.....	61.1	par. 9	3.671	.....	159	par. 2
3.573	.....	61.1	par. 7	3.672	.....	159	par. 1
3.580	.....	48.2	par. 5	3.680	.....	172.1.1	
3.581	.....	48.3	par. 1-18	3.681	.....	172.1.8	
			par. 23,	3.682	.....	172.1.9	
			24	3.690	.....	137	
3.582	.....	48.2	par. 1			139.1	
			par. 3, 4	3.691	.....	137.1	
3.583	.....	48.4	par. 1-3		par. 2 ..	137.3	
3.584	.....	48.4	par. 5	3.692	.....	137.4	par. 2
3.585	.....	48.3	par. 25	3.693	par. 2 & 3	137.5	
3.590	.....	120		3.694	.....	137.7	
3.591	.....	121	par. 1-7	3.698	.....	137.4	par. 1
3.592	.....	122		3.700	.....	18	
3.593	.....	124		3.701	.....	21	
3.594	.....	126		4.100	.....	53	
3.595	(a)	133		4.101	.....	54	
	(c)	132.1		4.102	.....	55	
3.596	.....	64	par. 3	4.103	.....	56	
3.597	.....	121	par. 8	4.104	.....	57	
3.598	.....	130		4.105	.....	58	par. 1-9
3.599	.....	119				58	par. 11
3.600	.....	45		5.100	.....	134	
3.601	.....	46		5.101	.....	135	
3.610	.....	44	par. 1	5.102	.....	136	
3.611	.....	44	par. 2	5.103	.....	135.1	
3.620	50	par. 1	5.104	136.1	
3.621	50	par. 2	6.100	60	par. 1
3.622	50	par. 2	6.200	69	par. 2-6
3.623	50	par. 2	6.201	70	

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6.202	69.1				111	
6.203	69	par. 7	6.411	52.1		
	72	par. 1, 2	6.412	24.1		
6.204	72	par. 2	7.100	88		
		par. 3-8	7.101	88.1		
6.205	72	par. 9-13	7.102	88.2		
	74		7.103	89		
6.206	72	par. 14	7.104	90		
6.207	73		7.200	95		
6.208	78	par. 1	7.201	95.1		
6.300	72	par. 16	7.202	96		
6.301	72	par. 15	7.203	97		
6.302	76		7.204	98		
	86	par. 2, 4	7.205	99		
6.303	85	par. 1	7.206	100		
		par. 3-6	7.300	101		
6.304	81		7.301	102		
6.305	77		7.302	103		
6.306	80		7.303	105		
	86	par. 1	7.304	69.2		
6.307	79		7.305	48.3	par. 19-22	
6.308	75		7.306	139		
6.309	84		7.307	101.2		
6.310	83		7.400	91, 94		
6.311	82		7.401	92	par. 1, 3	
6.312	86	par. 5	7.402	93		
6.313	86	par. 3		93.1		
6.400	(a) 78	par. 3	7.403	(a) 41.1		
	(b) 42.4			(b) 42.2		
	(c) 78	par. 2		(c) 42.3		
6.401	(a) 104		7.404	123		
	(b) 48.2	par. 2	7.405	137.2		
	(c) 121	par. 8	7.500	24	par. 3	
6.402	24	par. 2	7.501	117.1		
6.403	24	par. 4	7.502	117.2		
6.404	(a) 44	par. 3	7.503	117.3	par. 1, 2	
	(b) 50	par. 3	7.600	107	par. 1	
	(c) 51	par. 3	7.601	108		
	(d) 52	par. 4	7.602	109		
6.405	145.1	par. 2	7.603	110		
6.406	48.4	par. 6-15	7.604	112		
6.407	(a) 127		7.605	113		
	(c) 128		7.606	114		
	(d) 128.1		7.700	27		
	(e) 129		7.702	220		
6.408	138		7.703	87		
	138.1			92.1		
6.409	92	par. 2	7.704	24	par. 2, 3	

Origin of 1971 Charter Sections

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7.707	24	par. 1, 3	146	par. 1
8.100	7	par. 1	146	par. 2-end
8.101	8		8.328 146.1
8.102	6	par. 1	8.329 148 par. 1, 2
8.103	.....	142	par. 9	8.330	..... 145 par. 5
8.104	.....	6	par. 2	8.331	..... 145.1 par. 1-4
8.105	(a)	222	par. 1	8.332	..... 149 par. 1-4
	(b)	222	par. 2	8.333	..... 149 par. 5
	(c)	222	par. 3	8.340	..... 148 par. 3
	(d)	222	par. 4	8.341	..... 154 par. 1-3
	(e)	222.1	par. 1	8.342	..... 154 par. 4
	(f)	222.1	par. 2	8.343	..... 155
	(g)	222.1	par. 3	8.344	..... 155.1
	(h)	222.1	par. 4	8.350	(a) 156 par. 1
	(i)	222.1	par. 5		(b) 156 par. 2
8.106	.....	223			(c) 156 par. 3
8.107	.....	11			(d) 156.2 par. 1
8.200	.....	143			(e) 156.2 par. 2
8.300	.....	52	par. 5		(f) 156.3
		61	par. 8, 11	8.351	..... 156.1
	(a)	43	par. 4	8.360	..... 153 par. 1
		50	par. 2	8.361	..... 153 par. 2-9
		51	par. 3	8.362	..... 153.1
		58	par. 10	8.363	..... 153 par. 11
		61.1	par. 8	8.400	..... 150
		62			(a) 151 par. 1
		142	par. 1-7		(b) 85 par. 2
	(a), par. 2	125	par. 1		85.1
	(c)	48.4	par. 4		(h) 71
	(d)	52	par. 5	8.401	..... 151 par. 2
	(e)	125.1			151 par. 3-10
	(f)	125	par. 1		151.1
	(h)	137.6			151.2
8.310	.....	145.02		8.402	..... 151 par. 2
	(a)	140	par. 1	8.403	..... 151.3 par. 1, 2
8.311	.....	157			151.3 par. 14, 15
8.320	(a)	144		8.404	..... 151.3.1
	(b)	145	par. 2	8.405 36 par. 7, 11
	(c)	145	par. 3		(a) 35.5 par. 2
	(d)	144			35.5.1
8.321	145	par. 1, 4		35.11
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**DIGEST
OF
CALIFORNIA SUPREME
AND
APPELLATE COURT
DECISIONS
RELATING TO CHARTER
AND ORDINANCES**

Published in accordance with Charter Section 2.306

DIGEST

1.101 POWERS OF THE CITY AND COUNTY.

Cited in *McDonald's Systems of California, Inc. v. Board of Permit Appeals* (1975) 44 Cal. App. (3d) 525, 119 Cal. Rptr. 26.

Under sections 1.101 and 2.101 of the San Francisco City Charter, all powers neither delegated to other officials, boards or commissions nor reserved to the people are vested in the board of supervisors. Thus any restrictions on the power of the board must be explicitly imposed by the charter. *City and County of San Francisco v. Patterson* (Guichard) (1988) 202 Cal. App. 3d 95, 248 Cal. Rptr. 290.

1.102 USE OF STATE LAW PROCEDURES.

In the provisions of this section and §§ 2 and 101, the charter does not purport to place any limitation upon the issuance of bonds as a means of meeting an obligation imposed by statute. *San Francisco v. Collins* (1932) 216 Cal. 187, 13 Pac. (2d) 912.

1.103. OFFICERS OF THE CITY AND COUNTY.

The chief of police is a chief executive officer within the meaning of this section. *Christal v. Police Commission* (1939) 33 Cal. App. (2d) 564, 92 Pac. (2d) 416.

2.101. POWERS AND DUTIES OF BOARDS & COMMISSIONS.

Cited in *Verreos v. San Francisco* (1976) 63 Cal. App. (3d) 86, 133 Cal. Rptr. 649.

The powers of the city and county, except the powers reserved to the people or delegated to other officials, boards or commissions by this charter, shall be vested in the board of supervisors and shall be exercised as provided in this charter. *Eller Outdoor Advertising Co. v. Board of Supervisors* (1979) 89 Cal. App. (3d) 79, 152 Cal. Rptr. 359.

In *Griffin v. Boyle* (1927) 202 Cal. 95, 259 P. 729, the court held that the budgeting provisions in section 3, chapter I of article 111 of the charter as amended November 4, 1924 gave the board autonomy in fixing the salaries of its employees. *Diamond International Corp. v. Boas* (1979) 92 Cal. App. (3d) 1028, 155 Cal. Rptr. 624.

Under sections 1.101 and 2.101 of the San Francisco City Charter, all powers neither delegated to other officials, boards or commissions nor reserved to the people are vested in the board of supervisors. Thus any restrictions on the power of the board must be explicitly imposed by the charter. *City and County of San Francisco* (1988) 202 Cal. App. 3d 95, 248 Cal. Rptr. 290.

2.300. ACTION BY RESOLUTION OR ORDINANCE.

The term "legislative act" as used in § 2.300 refers only to ordinances or resolutions that must be submitted to the mayor, who may either veto or approve them. *Clark v. Patterson* (1977) 68 Cal. App. (3d) 329, 137 Cal. Rptr. 275.

The requirement of this section that every legislative act shall be by ordinance was not violated when the board of supervisors, by resolution, authorized the city to enter into a contract with the housing authority whereby the city should agree not to levy or impose taxes or special assessments against a project or the authority and that it would furnish to the project without cost certain municipal service. *Kleiber v. San Francisco* (1941) 18 Cal. (2d) 718, 117 Pac. (2d) 657.

2.304 EFFECTIVE DATE; FINAL ENACTMENT OR ADOPTION.

This section and § 13 deal only with an acceleration of the legislative procedure of the board of supervisors and do not affect the exercise by the mayor of emergency powers under § 25 so as to require a previous declaration of emergency by the supervisors and enabling ordinance. *Mullins v. Henderson* (1946) 75 Cal. App. (2d) 117, 170 Pac. (2d) 118.

The constitutional provision that no measure creating or abolishing any office or changing the salary, term or duties of any officer shall be construed as an emergency measure (Const. Art. IV, § 1) defines in part

what the reserve power of referendum shall be, and any ordinance in conflict therewith is invalid. **Brown v. Boyd** (1939) 33 Cal. App. (2d) 461, 91 Pac. (2d) 926.

A police captain is a public officer within Const. Art. IV § 1, declaring that no measure creating or abolishing any office or changing the salary, term or duties of any officer shall be construed to be an emergency measure. Accordingly, an ordinance passed as an emergency measure is void where it creates additional positions as captains of police, and a further ordinance purporting to appropriate funds to pay the salaries attached to such officers should fall with it. **Brown v. Boyd** (1939) 33 Cal. App. (2d) 416, 91 Pac. (2d) 926.

2.401 NON-INTERFERENCE IN ADMINISTRATIVE AFFAIRS.

This section prohibiting interference in administrative affairs did not invalidate a resolution of the Board of Supervisors passed in the proper exercise of its charter powers, and in compliance with which an action was commenced by the city to abate a stable as a public nuisance, as an unauthorized interference with the charter powers of the director of health to issue or refuse a permit to conduct such stable. **People v. Ryan** (1936) 17 Cal. App. (2d) 1, 61 Pac. (2d) 360.

A resolution of the board of supervisors calling the attention of a city agency to a situation adverse to the city's best interests does not violate the charter provisions. **Eller Outdoor Advertising Co. v. Board of Supervisors** (1979) 89 Cal. App. (3d) 78, 152 Cal. Rptr. 358.

3.100 FUNCTIONS, POWERS AND DUTIES.

Emergency action by the mayor under this section is always subject to judicial review. **Mullins v. Henderson** (1946) 75 Cal. App. (2d) 117, 170 Pac. (2d) 118.

An emergency proclamation prescribing a temporary deviation from the express rule of the charter, is not an amendment of the charter which must follow the amending procedure prescribed in Const. Art. XI. § 8. **Mullins v. Henderson**, (supra).

The salary standardization section (§ 151) may be superseded by the exercise by the mayor of his powers under this section in an emergency. **Mullins v. Henderson**, (supra).

The word "emergency," as used in this section, has reference to a method adopted as an expedient for meeting a situation which ordinarily calls for immediate action. **Mullins v. Henderson**, (supra).

The emergency justifying the exercise by the mayor of emergency powers is not restricted to conditions following a public disaster brought about by an earthquake, a fire, flood, bombing or similar calamity. **Mullins v. Henderson**, (supra).

The word "employ" as used in this section relating to the emergency power of the mayor means to hire, and therefore to fix the compensation of those hired. Although the powers to fix compensation of municipal employees is vested in the board of supervisors, this power may be suspended during an emergency. **Mullins v. Henderson**, (supra).

The question as to whether existing conditions shown by evidence justifies action taken by the mayor pursuant to emergency powers granted by this section is one of fact, and the trial court's finding on question is conclusive on appeal if the evidence on the issue is conflicting or it is such that fair and impartial minds may draw different conclusions therefrom. **Mullins v. Henderson**, (supra).

The passage of an ordinance or resolution in accordance with § 13, § 16, and § 179, is not requisite to the exercise by the mayor of the emergency powers vested in him by this section. Sections 13 and 16 deal only with an acceleration of legislative procedure and of the effectiveness of ordinances in cases considered as emergency legislation. And § 179 merely provides for expeditious passage of such ordinances as may be necessary to enable the mayor to carry out his emergency powers. **Mullins v. Henderson**, (supra).

Emergency proclamations of the mayor acting under this section, fixing the compensation of employees of a newly acquired street railway were not repealed by standardization and annual salary ordinances subsequently adopted, where they did not deal with the actual emergency, but were based on normal pay and were enacted as part of the ordinary financial machinery of the city, to become effective only after the emergency had passed. **Mullins v. Henderson**, (supra).

A finding of an emergency within this section was justified where it appeared that under an existing salary standardization ordinance employees of the newly acquired Market Street Railway would receive beginners' pay, 90% of them intended to seek other employment unless they received pay on a parity with that of the municipal

railway, that this would compel a shutdown of the railway for at least a year, that in view of the war conditions, labor shortage, and the multivarious industries in the area involved in the war effort, the shutdown would dangerously cripple the war effort, and attempt to follow normal procedure prescribed in § 151 would delay the granting of parity pay for a year. **Mullins v. Henderson** (1946) 75 Cal. App. (2d) 117, 170 Pac. (2d) 118.

Section 3.100 provides for expeditious passage of such ordinances as may be necessary to enable the mayor to carry out the emergency powers vested in him but it does not require any ordinance or resolution to be passed. **Verreos v. San Francisco** (1976) 63 Cal. App. (3d) 86, 133 Cal. Rptr. 649.

Although the power to fix the compensation of municipal employees is vested in the Board of Supervisors, this power by the broad terms of § 3.100, may be suspended in an emergency. **Verreos v. San Francisco** (1976) 63 Cal. App. (3d) 86, 133 Cal. Rptr. 649.

Since § 3.100 grants broad powers to the mayor only under unusual circumstances calling for immediate action and, since the mayor's actions under the section must be reasonable and are subject to judicial review, the section fully comports with due process of law. **Verreos v. San Francisco**, (*supra*).

Under circumstances of the city's lack of both police and fire protection during a strike, provisions of a strike settlement agreement entered into with a police association by the mayor, which continued in effect a no-strike memorandum of understanding between the police association and the mayor and city commission, was not an abuse of the broad emergency powers conferred on the mayor by § 3.100. **Crowley v. San Francisco** (1976) 64 Cal. App. (3d) 450, 134 Cal. Rptr. 533.

Actions taken by the mayor in granting a 13.05 per cent salary increase to the police and fire departments in response to an emergency situation under powers granted to him in § 3.100 could not be attacked in the absence of proof that he acted corruptly or for personal gain, even if the actions were motivated by the pressure of an illegal strike and were contrary to the recommendations of the Board of Supervisors. **Verreos v. San Francisco** (1976) 63 Cal. App. (3d) 86, 133 Cal. Rptr. 649.

When a substantial number of the members of the police and fire departments conduct a strike against the citizens of a highly populated metropolitan area where serious crimes and fires are a daily fact of life, there is, as a matter of law, a public emergency within the meaning of § 3.100. **Verreos v. San Francisco** (1976) 63 Cal. App. (3d) 86, 133 Cal. Rptr. 649.

The Constitution's absolute grant of authority to counties' and cities' governing bodies, to propose charter amendments to the electors must supersede any agreement by the mayor under his or her emergency powers. **San Francisco Fire Fighters v. Board of Supervisors** (1979) 96 Cal. App. (3d) 550, 158 Cal. Rptr. 151.

3.101 NON-INTERFERENCE IN ADMINISTRATIVE AFFAIRS.

This section prohibits direct dealing by the mayor with individual policemen, thus the mayor cannot be personally liable for the negligent acts or omissions of individual policemen. **Martinez v. Cahill** (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566.

Failure to invoke and exhaust the administrative remedy of appeal under this section and § 39 to the Board of Permit Appeals constitutes a bar to judicial relief. **Lynn v. Duckel** (1956) 46 Cal. (2d) 845, 299 Pac. (2d) 236.

3.200 APPOINTMENT: QUALIFICATIONS.

Placing the chief administrative officer in a separate class for the purpose of exclusion from the retirement system and reemployment was justified by the fact that the position is unique, different, and distinguished from all other positions in the city and county government. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

3.201 FUNCTIONS, POWERS AND DUTIES OF CHIEF ADMINISTRATIVE OFFICER.

In 1923 the board of election commissioners adopted a resolution providing for the purchase and use of 52 voting machines. **Diamond International Corp. v. Boas** (1979) 92 Cal. App. (3d) 1026, 155 Cal. Rptr. 623.

Under the charter provisions for the city and county, the registrar is subject to the fiscal controls found in the charter. The chief administrative officer by virtue of his authority over the office of the registrar and by virtue of his obligation to advise the board of supervisors on fiscal matters, has the power and authority to investigate and recommend the type of equipment which would best serve the city and county. **Diamond International Corp. v. Boas** (1979) 92 Cal. App. (3d) 1025, 155 Cal. Rptr. 622.

The chief administrative officer shall be responsible to the mayor and to the board of supervisors for the administration of all affairs of the city and county that are placed in his charge by the provisions of this charter and by ordinance, and to that end he shall have power and it shall be his duty to exercise supervision and control over all administrative departments which are under his jurisdiction. **Diamond International Corp. v. Boas** (1979) 92 Cal. App. (3d) 1029, 155 Cal. Rptr. 624.

3.301 GENERAL POWERS AND DUTIES OF CONTROLLER.

This section was not violated by the city in its agreements in connection with establishing an off-street parking facility. **Larsen v. City and County of San Francisco** (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

3.402 DISTRICT ATTORNEY.

The warrant and bond office, under this section, is separate and distinct from the district attorney's office. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

In appointing assistants and clerks under this section, the district attorney acts as a county officer. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

By deciding to appoint only attorneys for certain jobs as assistants or clerks under this section, the district attorney was not attempting to change the position from that of clerk in the warrant and bond office to assistant attorney in his own office. **Galli v. Brown, (supra)**.

The provision of § 34 requiring assistant attorneys in the district attorney's office to have two-years' experience has no application to the deputy in charge of the warrant and bond office under his section nor to his assistants and clerks. **Galli v. Brown, (supra)**.

So far as any charter requirement is concerned, "assistants and clerks under this section do not have to be attorneys or to meet the two-years' experience requirement of § 34 for assistant attorneys in the district attorney's office. **Galli v. Brown, (supra)**.

Attorneys appointed by the district attorney and designated on the proper civil service form as "K52 Junior Attorney, Criminal (Bond and Warrant Clerk)" were appointed as warrant and bond clerks under this section, rather than as assistant attorneys under § 34; hence the fact that the attorneys did not meet the two-year qualification requirement under § 34 for assistant attorneys did not render their appointment unlawful. **Galli v. Brown, (supra)**.

Appointments as assistants or clerks under this section, being valid when made, were not adversely affected by the fact that appointees performed some duties that they were not qualified to perform, namely, some legal duties and occasional appearances in traffic court as representatives of the district attorney. **Galli v. Brown, (supra)**.

3.406 ASSISTANTS AND EMPLOYEES IN ELECTIVE OFFICES.

The provisions of this section requiring assistant attorneys in the district attorney's office to have two-years' experience has no application to the deputy in charge of the warrant and bond office under § 30 nor to his assistants and clerks. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

So far as any charter requirement is concerned, "assistants and clerks" under § 30 do not have to be attorneys or to meet the two-years' experience requirement of this section for assistant attorneys in the district attorney's office. **Galli v. Brown, (supra)**.

3.500 POWERS AND DUTIES OF BOARDS AND COMMISSIONS.

When the approval of two-thirds of the Board of Supervisors is required on any provision, two-thirds of all the members of the Board, whether absent or present at the particular meeting, must approve the measure. **San Francisco v. Western Air Lines, Inc.** (1962) 204 Cal. App. (2d) 105, 33 Cal. Repr. 216, cert den 371 U.S. 953, 9 L.Ed. (2d) 502, 83 S Ct 502.

A rule (under former § 1, ch. 3, Art. VIII) providing for punishment of police department members for negligence as to personal debts was reasonable. **Cleu v. Board of Police Commissioners** (1906) 3 Cal. App. 174, 84 Pac. 672.

Section 3.500 does not impliedly indicate that only the Board of Permit Appeals may prescribe rules governing its procedure, and that the Board of Supervisors is limited to arranging for the posting and publication of such rules; the charter is an instrument of limitations and restrictions and does not limit the power of the Board of Supervisors, and § 3.501 expressly contemplates legislation in support of the action of administrative boards created by the charter. **McDonald's Systems of California, Inc. v. Board of Permit Appeals** (1975) 44 Cal. App. (3d) 525, 119 Cal. Rptr. 26.

The authority of the fire commission to prescribe its own reasonable rules and regulations is made exclusive by §§ 3.500 and 3.540 and such power may not be assigned or delegated to an arbitrator. **San Francisco Firefighters, etc. v. San Francisco** (1977) 68 Cal. App. (3d) 896, 137 Cal. Rptr. 607.

Any hold-over commissioner or board member serves at the pleasure of the mayor and may be replaced or appointed at any time by the mayor. **Besig v. Friend** (1978) 460 F. Supp. 138.

3.501 DEPARTMENT HEADS.

Under a union agreement grievance procedure whereby a Municipal Railway employee is permitted to appeal a grievance relating to proposed disciplinary action to the manager of utilities, no public hearing is required under the Brown Act (Government Code Sections 54950 et seq.). The hearing before the manager is not a "meeting" of a "legislative body" within the meaning of the Brown Act, and Section 8.341 of the Charter entitles the employee to a public hearing when the proceedings attendant on his actual dismissal reach the appropriate stage. **Wilson v. San Francisco Municipal Railway** (1973) 29 Cal. App. (3d) 870.

This section gives a department head broad power in the reduction of forces under his jurisdiction, and the budget-making procedure, as exemplified by §§ 69, 70, 72, is in accord therewith. **Hanley v. Murphy** (1953) 40 Cal. (2d) 572, 255 Pac. (2d) 1.

Although this section permits a department head to effect a reduction of employees in his department pursuant to his judgment as to the needs of the work, "any other provision of this charter to the contrary notwithstanding," this does not mean that the department head is subject to no limitation under civil service regulations, for under the authority of this same section he must have due regard for civil service procedure on the subject of personnel classification and protected tenure in office for employees. **Hanley v. Murphy**, (*supra*).

In compliance with the provisions of this section empowering department heads to reduce forces in conformity with the need of the work in departments, the board of fire commissioners could return a captain in the department to the rank of lieutenant. **Carr v. Fire Commission** (1938) 30 Cal. App. (2d) 208, 85 Pac. (2d) 959.

3.510 FINANCE AND RECORDS, PURCHASING, REAL ESTATE, PUBLIC WORKS, ELECTRICITY, PUBLIC HEALTH, AND COUNTY AGRICULTURAL DEPARTMENTS; HEALTH ADVISORY BOARD; AND CORONER'S OFFICE.

The powers otherwise clearly vested in the director of public works are not limited by the provision of this section requiring him to make all examinations, plans and estimates required by the supervisors in connection with public improvements. **Kennedy v. Ross** (1946) 28 Cal. (2d) 569, 170 Pac. (2d) 904.

A contract with a civil engineer for the purpose of making surveys and reports relative to traffic and transit conditions is not foreclosed by the clause in this section making it the duty of the director of public works to make all examinations, plans and estimates required by the supervisors in connection with public improvements. **San Francisco v. Boyd** (1941) 17 Cal. (2d) 606, 110 Pac. (2d) 1036.

Under the charter provisions for the city and county, the registrar is subject to the fiscal controls found in the charter. The chief administrative officer by virtue of his authority over the office of the registrar and by virtue of his obligation to advise the board of supervisors on fiscal matters, has the power and authority to investigate and recommend the types of equipment which would best serve the city and county. **Diamond International Corp. v. Boas** (1979) 92 Cal. App. (3d) 1019, 155 Cal. Rptr. 618.

3.522 DIRECTOR OF PLANNING.

In the adoption of former § 41 (prior to amendment of 1949) the city acted under the constitutional grant of power in Const. Art. VI, Sec. 8, 8a, 8½, and in thus dealing with its own lands it was not restricted by any constitutional provision. **San Francisco v. Linares** (1940) 16 Cal. (2d) 441, 106 Pac. (2d) 639.

Although this section grants to the park commission the exclusive control and management of parks, including the exclusive right to erect and to superintend the erection of buildings, the authority may not be exercised in such manner as to create a public nuisance. **Hassel v. San Francisco** (1938) 11 Cal. (2d) 168, 78 Pac. (2d) 1021.

3.530 POLICE DEPARTMENT.

Although the police commission and the chief of police are components of the police department, they are not in themselves identical. **Iscoff v. Police Commission** (1963) 222 Cal. App. (2d) 395, 35 Cal. Rptr. 189.

Written exams for selections of patrol officers and promotions to sergeant amended. Minimum height requirements amended. Seniority system modified. Lieutenant's exam schedule modified. **Officers for Justice v. The Civil Service Commission of the City and County of San Francisco, et al** (1979) 473 F. Supp. 801.

3.537 SPECIAL POWERS OF THE CHIEF OF POLICE.

The Chief of Police under this section and under Section 613 of the Police Code cannot lawfully grant or deny a permit to purchase a concealable firearm. The latter ordinance is invalid, insofar as it purports to regulate the licensing or registration of firearms, since the legislature, by the enactment of Section 9619 of the Government Code, expressed legislative intent to occupy the entire field of registration and licensing of firearms. **Sippel v. Nelder** (1972) 24 Cal. App. (3d) 173, 101 Cal. Rptr. 89.

Under §§ 24 and 35.6 and the implementing municipal ordinances, the power with respect to the issuance, refusal and revocation of permits for businesses such as that of a pawnbroker is initially vested in the chief of police. These provisions set an overall standard governing and guiding the chief of police and prescribing that the exercise of his permit power must not be arbitrary but rather directed to the promotion of the public interest, and in the regulation of the business of a pawnbroker, specific standards are not necessary. **Iscoff v. Police Commission** (1963) 222 Cal. App. (2d) 395, 35 Cal. Rptr. 189.

The city has power to impose license taxes under this section either for regulation or for revenue or for both, except in reference to matters of statewide concern where the state has occupied the field, in which case it can regulate only in respect of matters purely local. **San Francisco v. Boss** (1948) 83 Cal. App. (2d) 445, 189 Pac. (2d) 32.

An ordinance enacted pursuant to this section requiring contractors to obtain certificates of registration or license before engaging in business is invalid where it operates in the field occupied by the state contractor's laws, and makes no attempt to regulate in matters purely local, and where the purpose of the ordinance, including the licensing provision, is regulation and not revenue. **San Francisco v. Boss** (1948) 83 Cal. App. (2d) 445, 189 Pac. (2d) 32.

A limitation upon the power of the city to impose license taxes for revenue purposes with respect to businesses not mentioned in the clause of this section which excepts certain specified businesses from such taxation may not be inferred. **West Coast Advertising Co. v. San Francisco** (1939) 14 Cal. (2d) 516, 95 Pac. (2d) 138.

The levy of license taxes for revenue is not prohibited by this section, except by the concluding paragraph relating to sellers or manufacturers of goods, wares and merchandise, operating at fixed places of business. An intention to preclude such levy is not to be drawn from the clause "and for such other matters as the Board of Supervisors may deem advisable." **West Coast Advertising Co. v. San Francisco** (1939) 14 Cal. (2d) 516, 95 Pac. (2d) 138; **Flynn v. San Francisco** (1941) 18 Cal. (2d) 210, 115 Pac. (2d) 3.

The power under this section to impose a license tax upon any seller operating at a fixed place of business which requires a permit or license in accordance with or under authority of any local health, sanitary or other ordinance under the police power, is not limited, as was the case under the former charter, to places of business which require permits from the Board of Police Commissioners. **In re McKeon** (1935), 9 Cal. App. (2d) 223, 49 Pac. (2d) 618.

An ordinance providing that upon application the Board of Health shall inspect the business premises to ascertain whether they are sanitary and to issue a certificate, and an ordinance providing for the amount of the fee, are not, when read together as being in pari materia, invalid or violative of this section, and a retail butcher whose place had been inspected and who refused on demand to pay the inspection fee was liable to fine or an alternative jail sentence. **In re McKeon** (1935) 9 Cal. App. (2d) 223, 49 Pac. (2d) 618.

Under former § 35, providing for revocation of permits for operation of businesses in an improper manner, the chief of police had a clear right to revoke the permit of a pawnbroker for refusal to surrender stolen property. **Willer v. Quinn** (1935) 4 Cal. App. (2d) 663, 41 Pac. (2d) 572.

The failure of the proponents of the amendment of this section in 1924 and 1925 to state a change in the basic provision expressed by Section 33 of Article XVI of the former charter that "No deputy, clerk, or other employee of the city and county shall be paid for a greater time than that covered by his service," shows a legislative intent to specify a basis of compensation for municipal railway workers not in conflict with the existing mandate of the Charter prohibiting payment for service not performed. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

This section, by defining the basic work hours as eight in number, to be completed within ten consecutive hours, and by providing for overtime for work in excess of eight hours in any one day or six days in any one week, does nothing more than to specify the basis of compensation for employees. It does not require the city to pay for eight hours of work on a given day regardless of the duties performed. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310, but see **People v. McGee** (1977) 19 Cal. (3d) 948, 140 Cal. Rptr. 657, 568 Pac. (2d) 382.

That this section was not intended to guarantee either a particular amount of wages or a work day of a given number of hours is evidenced by the fact that the 1925 amendment did not include provisions similar to the old charter section (Art. III, ch. 2, § 7b) which applied to the privately owned railways and in unmistakable terms specified a minimum wage and maximum hours of work, overtime employment being allowed if paid for at time and one-half. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

The established practice prior to 1946 of paying a full eight hours pay for all regular runs under eight hours does not indicate an administrative construction of this section favoring an eight-hour guaranteed work day. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

The only reasonable construction to be placed on the portion of this section which allows to persons who reside outside of San Francisco and who are not engaged in work on an acquired utility outside of the city and county limits a reasonable time to become residents of San Francisco is that those persons who are engaged in such utility work outside the city and county limits are not required to become residents of San Francisco in order to retain their positions. **Denton v. San Francisco** (1953) 119 Cal. App. (2d) 369, 260 Pac. (2d) 83.

When a person ceases to work outside the city and county limits on a public utility acquired by the city, his privilege under this section of living outside the city limits ceases; he then has a reasonable time to comply with the residence requirements prescribed by § 7, which time by analogy may properly be measured by the provision of this section specifying "not exceeding one year." **Denton v. San Francisco** (1953) 119 Cal. App. (2d) 369, 260 Pac. (2d) 83.

Where it was established practice by rule of the San Francisco public utilities commission to give conductors, motormen and bus drivers a priority in the choice of carbarns, runs and vacation periods based upon length of service, and, in determining such length of service, credit to limited tenure appointees under § 145.1 appointed from regular registers "to succeed themselves" in the same positions was given for length of service under the limited tenure appointment, the provision of § 125 recognizing the right to preference in assignment to duty as bus operators based on seniority of service could not be invoked in a mandamus proceeding to compel discontinuance of such practice. **Hart v. Landis** (1951) 103 Cal. App. (2d) 284, 229 Pac. (2d) 380.

The right guaranteed under this section to employees of utilities acquired by San Francisco to be continued in their respective positions in the civil service could not be curtailed by a civil service commission rule requiring such employees to protest their civil service classification within 16 days on the penalty of losing their right to appeal. **Kenny v. Wolff** (1948) 84 Cal. App. (2d) 592, 191 Pac. (2d) 88.

In the provision of this section that if one has been employed for one year in an acquired utility such employee shall be deemed appointed to such position and entitled to "all benefits" of the service under the municipality, "such position," if not the identical position should be interpreted as meaning a similar position in kind and degree — one that in salary, authority, duties, etc., is reasonably comparable to the employee's former position. **Handlon v. Wolff** (1945) 72 Cal. App. (2d) 53, 164 Pac. (2d) 46.

The provision of this section that employees of the municipal airport shall be appointed by and hold office at the pleasure of the manager of utilities, did not apply to an employee of the bureau of engineering of the former department of public works, although his employment was centered mainly on the airport. **Archer v. Civil Service Commission** (1934) 1 Cal. (2d) 357, 34 Pac. (2d) 1023.

3.598 PUBLIC UTILITIES COMMISSION — RATES.

This section is permissive in character. It does not demand that all users of facilities be charged equal rates, nor does it proscribe unequal rates or even give definition to the terms employed. *San Francisco v. Western Air Lines, Inc.* (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

The provision that "should the commission propose a schedule of rates . . . for (a) utility which shall not produce . . . (revenue sufficient to pay the operating expenses of the utility for at least the succeeding fiscal year), it may do so with the approval of the Board of Supervisors by a two-thirds vote and it shall thereupon be incumbent to provide by tax levy for the additional amount necessary to meet such deficit," is inapplicable where under a proposed rate there will be no deficit. Hence, an order fixing an increased fare for the city transportation system becomes effective, although disapproved by the board of supervisors by a majority less than a two-thirds majority vote, where the estimated revenue for the next succeeding fiscal year, added to the revenue from the increased fare from the effective date of the new schedule to the end of the current fiscal year, will make a sum in excess of the estimated operating expenses for the next fiscal year. *Hurst v. San Francisco* (1948) 33 Cal. (2d) 298, 201 Pac. (2d) 805.

The words "succeeding fiscal year," in the fourth paragraph of this section, means the next complete fiscal year after the date the schedule is fixed, rather than the rest of the fiscal year in which the rate is established. *Hurst v. San Francisco* (1948) 33 Cal. (2d) 298, 201 Pac. (2d) 805.

This section of San Francisco City Charter does not require a levy of tax to make up deficits of transit system. A development fee imposed on development of real property within the city, tied to increased use of city transit system that developments were likely to occasion, does not violate section 3.598 requiring that, except for municipal railway, rates be fixed so that revenue will be sufficient to pay expenses, and authorizing tax if there is a deficiency. *Russ Building Partnership v. City and County of San Francisco* (1987) 199 Cal. App. 3d 1496, 246 Cal. Rptr. 21.

3.599 PUBLIC UTILITY POLICY.

The city is committed by this provision of the Charter to a general policy of public ownership of all public utilities. *San Francisco v. United States* (1939) 106 Fed. (2d) 569, revd on oth grds 310 US 16, 84 L.Ed. 1050, 60 S.Ct. 749, reh den 310 US 657, 84 L.Ed. 1420, 60 S.Ct. 1071.

3.601 ART COMMISSION — POWERS AND DUTIES.

Where an art project was a cooperative project of the city and a federal agency, the art commission's resolution accepting the art work on dissolution of the federal project was a mere formality rather than a purposeful and unlawful exercise of dominion over privately-owned items mistakenly included in the transaction, and their receipt by the city did not constitute conversion so as to start the running of the statute of limitations at that time; nor did the resolution constitute notice to the owner of conversion where there was no evidence that the owner knew of the resolution. *Buffano v. City and County of San Francisco* (1965) 233 Cal. App. (2d) 61, 43 Cal. Rptr. 223.

3.622 CALIFORNIA PALACE OF THE LEGION OF HONOR.

The obvious cultural and administrative requirements of the position of museum director provide legitimate basis for employment classification for the purpose of an ordinance excluding a director from the retirement system upon reappointment after resignation. *Acton, Heil, Brooks v. Henderson* (Three cases) (1957) 150 Cal. App. (2d) 1,309, Pac. (2d) 481.

3.632 M. H. DE YOUNG MEMORIAL MUSEUM.

The obvious cultural and administrative requirements of the position of museum director provide legitimate basis for employment classification for the purpose of an ordinance excluding a director from the retirement system upon reappointment after resignation. *Acton, Heil, Brooks v. Henderson* (Three cases) (1957) 150 Cal. App. (2d) 1,309, Pac. (2d) 481.

3.640 CALIFORNIA ACADEMY OF SCIENCES.

The obvious cultural and administrative requirements of the position of museum director provide legitimate basis for employment classification for the purpose of an ordinance excluding a director from the retirement system upon reappointment after resignation. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1,309, Pac. (2d) 481.

An ordinance provision for rehearings in matters relating to permits is consistent with the discretion conferred upon the Board of Permit Appeals in passing upon a case on appeal under the authority of this section providing that after "hearing and such further investigation as the board may deem necessary" the board may concur in department action or overrule it. **Lindell Co. v. Board of Permit Appeals** (1943) 23 Cal. (2d) 303, 144 Pac. (2d) 4.

Failure to invoke and exhaust the administrative remedy of appeal under this section and § 24 to the Board of Permit Appeals constitutes a bar to judicial relief. **Lynn v. Duckel** (1956) 46 Cal. (2d) 845, 299 Pac. (2d) 236.

By ignoring the permit procedure established by this section and § 24 and building a roadway without permit, then suing the Director of Public Works for mandatory injunction for removal of city's obstruction to the roadway, a property owner attempts to nullify the procedure established by law, to the injury of the public, and does not come into court with "clean hands." **Lynn v. Duckel** (1956) 46 Cal. (2d) 845, 299 Pac. (2d) 236.

Under § 3.651 a right of appeal is granted to any person who deems that his interest or property or that the general public interest will be adversely affected as the result of operations authorized by or under any permit or license granted or issued by any department. The Charter makes no distinction between a permit granted or issued as the result of discretionary action by the department issuing it and one issued on orders of the board which has been held to be merely a ministerial act.

In order for the Board of Permit Appeals to hear and determine an appeal consistent with due process, four members of the board constitute a quorum and the action of a majority of such quorum is valid and binding. **Ursino v. Superior Court of San Francisco** (1974) 39 Cal. App. (3d) 611, 114 Cal. Rptr. 404.

Petitioners were real parties in interest under § 3.651 for the purposes of pursuing an appeal to the Board of Permit Appeals where they operated restaurants in the immediate vicinity of a restaurant chain seeking a building permit, had personal and property interests which they felt would be adversely affected by the proposed construction, felt that the general public interest would not be served by permitting the restaurants to be built, and set in motion the administrative processes of the board. **Ursino v. Superior Court of San Francisco** (1974) 39 Cal. App. (3d) 611, 114 Cal. Rptr. 404.

Under this section the Board of Permit Appeals is invested with complete power to hear and determine the entire controversy before it, is free to draw its own conclusions from the conflicting evidence before it and, in the exercise of its independent judgment in the matter, to affirm, modify, or overrule the actions of the subordinate agency or official at the primary level. De novo review by the board is contemplated by this section. **Save Our Skyline v. Board of Permit Appeals** (1976) 60 Cal. App. (3d) 512, 131 Cal. Rptr. 570.

The Board of Permit Appeals acted within its jurisdiction under § 3.651 in ruling that a house complied with the city planning code, even though the ruling was issued more than five years after the final date for the issuance of a permit of occupancy. **San Francisco v. Pacello** (1978) 85 Cal. App. (3d) 637, 149 Cal. Rptr. 705.

Cited in **Four Seas Invest. Corp. v. Board of Permit Appeals** (1978) 85 Cal. App. (3d) 526, 149 Cal. Rptr. 571.

The board of permit appeals is a quasi-judicial administrative agency vested by the city charter with jurisdiction to hear and determine, de novo, the controversy concerning an alleged zoning violation and its final judgment was res judicata and beyond collateral attack on this issue. **City and County of San Francisco v. Ang, et al** (1979) 97 Cal. App. (3d) 680, 159 Cal. Rptr. 57.

The board of permit appeals is an administrative agency of limited jurisdiction possessing only such powers as have been conferred on it, expressly or impliedly, by Constitution or by statute. **City and County of San Francisco v. Padilla** (1972) 23 Cal. App. (3d) 388, 400, 100 Cal. Rptr. 223, **Four Seas Investment Corp. v. Board of Permit Appeals** (1978) 85 Cal. App. (3d) 530, 149 Cal. Rptr. 573.

Where delay caused important evidence before the board to become unavailable, prejudice is manifest. **Maguire v. Hibernia S. & L. Soc.** (1944) 23 Cal (2d) 719, 736, 146 P. (2d) 673. Such prejudice, plus the unexplained delay constitutes laches. **City and County of San Francisco v. Pacello** (1978) 85 Cal. App. (3d) 642, 149 Cal. Rptr. 708.

The city code provides that, if an applicant appeals from a decision of the zoning administrator, the "board of permit appeals shall fix the time and place of hearing, which shall be not less than five (5) nor more than fifteen (15) days after the filing of said appeal, and shall act thereon not later than forty (40) days after such filing." These provisions are not be deemed jurisdictional thereby depriving the aggrieved party of his right to appeal. *Muni. Code, pt. III, art. I, § 8. Edwards v. Steele* (1979) 25 Cal App. (3d) 406, 158 Cal Rptr 662.

The charter specifies only that the votes of four members are required to overrule the action of the agency in issue. No specific number of votes is specified for a concurrence or affirmance. *Foundation for San Francisco's Architectural Heritage, et al v. City and County of San Francisco, et al* (1980) 106 Cal. App. (3d) 906, 165 Cal. Rptr. 408.

3.660 CIVIL SERVICE COMMISSION.

The civil service system rests on the principle of application of the merit system instead of the spoils system in the matter of appointment and tenure of office; to such end, the charter (§§ 140-143) establishes a classified civil service system, with exclusive power in the civil service commission to provide qualified personnel for the various municipal departments and to classify or reclassify positions according to prescribed duties. *Hanley v. Murphy* (1953) 40 Cal. (2d) 572, 255 Pac. (2d) 1.

3.661 POWERS AND DUTIES.

The rules of the civil service commission made under the powers given in this section have the force and effect of law so long as they are reasonable and within the fundamental provisions of the Charter. *Murphy v. Walsh* (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

The provision that "the allocation or re-allocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position" includes the right of an incumbent to retain the same schedule of compensation following reclassification of his position that he had before; and where the commission and the Board of Supervisors reclassified the position of probation officer and created two new positions, the rights of incumbents not qualified for the higher of the two new positions were not impaired where they were retained in their old position and at their old rate of pay. *Forstner v. City and County of San Francisco* (1966) 239 Cal. App. (2d) 516, 48 Cal. Rptr. 805.

There is no conflict between the provision that "the allocation or re-allocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position" and the provision of Section 151 "like compensation shall be paid for like service, based upon the classification as provided in Section 141"; the latter provision is applied except where compliance therewith would adversely affect the salary and other civil service rights of incumbents regularly employed by the city. *Forstner v. City and County of San Francisco* (1966) 239 Cal. App. (2d) 516, 48 Cal. Rptr. 805.

The civil service system rests on the principle of application of the merit system instead of the spoils system in the matter of appointment and tenure of office; to such end the charter (§§ 140-143) establishes a classified civil service system with exclusive power in the civil service commission to provide qualified personnel for the various municipal departments and to classify or reclassify positions according to prescribed duties. *Hanley v. Murphy* (1953) 40 Cal. (2d) 572, 255, Pac. (2d) 1.

The action of the civil service commission in designating as the cutting off date of promotional examination the official beginning date of the examination as noted in the scope circular could not be deemed the equivalent of a rule where it did not meet the requirements of Section 141 of the Charter that changes in rules be published, that one week's notice be given, and that no change in the rules should affect a case pending before the commission. *Conroy v. Wolff* (1950) 34 Cal. (2d) 745, 214 Pac. (2d) 529.

Under the authority conferred upon the commission by this section to adopt rules to govern its action in carrying out this and other civil service provisions of the Charter, and in view of the duties imposed upon it by § 148, it has power to formulate, adopt and apply a rule defining permanent and temporary or seasonal positions and providing that appointments to the latter positions expire automatically at the end of five months. *Villain v. Civil Service Commission* (1941) 18 Cal. (2d) 851, 117 Pac. (2d) 880.

The provision of this section against one holding a position "outside the classification to which he has been appointed" necessarily prohibits the payment to an employee of compensation outside the

rating determining his civil service status, and one who holds a civil service position as an assistant and is appointed to perform the duties of a superior position until the vacancy in that position can be filled by a permanent appointment, from the civil service list cannot claim the salary attached to such position. **Dunn v. Civil Service Commission** (1935) 3 Cal. App. (2d) 554, 40 Pac. (2d) 310.

Under its rule-making power (granted by former charter § 3, Art. XIII) the civil service commission had no power to adopt a rule whereby positions which were neither temporary in fact nor temporary by the law of their creation could be designated temporary. **McGillicuddy v. Civil Service Commission** (1933) 133 Cal. App. 782, 24 Pac. (2d) 942.

Where a city charter prescribes the method by which appointments or assignments to particular positions provided for under municipal government shall be made, it is an essential condition to a recovery of the salary annexed to such a position that the prescribed method of appointment or assignment be followed; where it is not followed no action on quantum meruit will lie against the municipality on the theory that the parties seeking to recover the salary acted in the capacity and performed the services of such positions. **San Francisco City and County Service Employees Intl. Union v. San Francisco** (1975) 49 Cal. App. (3d) 272, 122 Cal. Rptr. 293.

Cited in **Los Angeles County Employees Asso. v. County of Los Angeles** (1976) 61 Cal. App. (3d) 926, 132 Cal. Rptr. 807.

Cited in **Jean v. Civil Service Com.** (1977) 71 Cal. App. (3d) 101, 139 Cal. Rptr. 303.

Power to reclassify employment positions is not necessarily inconsistent with the requirement to meet with employee representatives and confer about reclassification before the changes are implemented. **Building Materials & Const. v. Farrell** (1986) 41 Cal.3d 651.

The provisions of subsection (a) of this section giving civil service commission authority to "reclassify" and "reallocate" employment positions in city government does not conflict with "meet and confer" provisions of Meyers-Milas-Brown Act. **Building Material and Construction Teamsters' Union, Local 216 v. John C. Farrell** (1986) 41 Cal. App. 3d 651, 224 Cal. Rptr. 688, 715 P.2d 648, 121 L.R.R.M. (BNA) 3479.

3.700 POWERS AND DUTIES OF COUNTY OFFICERS.

This section is enjoining officers to discharge their duties as imposed by general laws does not incorporate general laws into the charter. **Mullins v. Henderson** (1948) 75 Cal. App. (2d) 117, 170 Pac. (2d) 118.

This section does not incorporate into the charter Pol. Code, § 4001, vesting the power to fix salaries in the Board of Supervisors. **Mullins v. Henderson** (1948) 75 Cal. App. (2d) 117, 170 Pac. (2d) 118.

4.102 CLERK OF THE MUNICIPAL COURT.

The power to fix the salaries of attaches of the municipal court is in the legislature by virtue of Const. Art VI, § 11, and where it has acted, as in Stats. 1947, ch. 1113, its action supersedes a salary ordinance on the subject. **Slavich v. Walsh** (1947) 82 Cal. App. (2d) 288, 186 Pac. (2d) 35.

The delegation to the Board of Supervisors of the power to fix salaries of some municipal court attaches, as in Municipal Court Act, § 6 (Deering's Gen. Law, Act 5238) from 1929 to 1947, is not irrevocable, and when the power is withdrawn, and the salaries are fixed by statute, as by Stats. 1947, ch. 1113, the statute is supreme. **Slavich v. Walsh** (1947) 82 Cal. App. (2d) 228, 186 Pac. (2d) 35.

5.101 POWERS AND DUTIES.

The provisions of this section relating to tenure of principals, and including principals among those who may not be dismissed without cause, is not unconstitutional and not in conflict with the general laws of the state but are in furtherance of the purpose of the general laws. **Anderson v. Board of Education** (1932) 126 Cal. App. 514, 15 Pac. (2d) 774, 16 Pac. (2d) 272, hear den by sup ct as reported in 126 Cal. App. 521, 16 Pac. (2d) 272.

A teacher who was employed for more than three years as a teacher in the day high schools of the city and as principal of a night high school, then was dismissed without cause, and without charges or hearing, from the position as principal had acquired permanent tenure and was entitled to reinstatement. **Anderson v. Board of Education** (1932) 126 Cal. App. 514, 15 Pac. (2d) 774, 16 (2d) 272, hear den by sup ct as reported in 126 Cal. App. 521, 16 Pac. (2d) 272.

A teacher who for more than three years had instructed day classes in one school and night classes in another school in the same district, then was dismissed without cause and without charges or hearing from the position as night school instructor had acquired permanent tenure both under this section of the charter, and was therefore entitled to reinstatement to such position. **Cullen v. Board of Education** (1932) 126 Cal. App. 510, 15 Pac. (2d) 227, heard by sup ct as reported in 126 Cal. App. 513, 16 Pac. (2d) 272.

The requirement of § 5.101 that the school board shall adopt a schedule of salaries for the next ensuing year between the first and twenty-first day of May of each year, was intended to insure that the school board's salary schedule would be prepared in ample time to be included in the city budget and in the annual determination of the city and county tax rate, and to afford school district employees fair notice of their forthcoming salaries prior to the beginning of the new school year. These purposes were fulfilled where the Board of Supervisors adopted a salary ordinance well before the May 21 deadline. **San Francisco v. Cooper** (1975) 13 Cal. (3d) 898, 120 Cal. Rptr. 707, 534 Pac. 2d 403.

Ed. Code § 44850.1 provides that on and after January 1, 1978, the certificated employees of any school district . . . shall neither acquire nor retain permanent status in an administrative or supervisory position.

Ed. Code § 448.94, subd. (b) provides that if an employee is certified in more than one position and is authorized to render service as a classroom teacher, he shall acquire permanent status as a classroom teacher only.

The powers of a school district to reassign permanent employees are subject only to the requirement of reasonableness and that the reassigned position be within the scope of the certificate under which tenure was acquired. **Whisman v. San Francisco Unified School District** (1978) 86 Cal. App. (3d) 787, 150 Cal. Rptr. 550.

6.100 DATE OF COMMENCEMENT.

The budget-making procedure, of which this section is a part, is in accord with § 20 in giving a department head broad power in effecting the reduction of forces under his jurisdiction. **Hanley v. Murphy** (1953) 40 Cal. (2d) 572, 255 Pac. (2d) 1.

6.100—6.313 THE BUDGET AND FISCAL ADMINISTRATION.

Cited in **Diamond International Corp. v. Boas** (1979) 92 Cal. App. (3d) 1032, 155 Cal. Rptr. 627.

6.201 FORM OF BUDGET ESTIMATES.

The budget-making procedure, of which this section is a part, is in accord with § 20 in giving a department head broad power in effecting the reduction of forces under his jurisdiction. **Hanley v. Murphy** (1953) 40 Cal. (2d) 572, 255 Pac. (2d) 1.

6.205 ADOPTION OF THE BUDGET AND THE APPROPRIATION ORDINANCE.

This section was not violated by the city in its agreements in connection with establishing an off-street parking facility. **Larsen v. City and County of San Francisco** (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

The existence of funds from which payments of claims may be made is an essential prerequisite to the payment of such claims, and in an action for mandate to compel the drawing of a warrant by a public official, allegation and proof of available money are essential elements of the petitioner's case. **Tevis v. San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d) 757.

The right of employees to receive accumulated vacation pay under § 151.5 accruing on the effective date of that section, September 26, 1950, the legal liability of the city for payment should have been treated as an obligation of the fiscal year 1950-1951. **Tevis v. San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d), 757.

The budget-making procedure, of which this section is a part, is in accord with § 20 in giving a department head broad power in effecting the reduction of forces under his jurisdiction. **Hanley v. Murphy** (1953) 40 Cal. (2d) 572, 255 Pac. (2d) 1.

This section does not authorize an expenditure pursuant to a contract which otherwise is not in compliance with charter requirements. **Kennedy v. Ross** (1946) 28 Cal. (2d) 568, 170 Pac. (2d) 904.

6.207 ANNUAL SALARY ORDINANCE.

In determining the question of the personal liability of the controller for the allowance, and the treasurer for the payment, of salary claims illegally approved by an appointing officer, § 150 and this section must be read with § 86. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

In allowing and paying salary claims, the controller and the treasurer are not required under § 86, when read together with § 150 and this section, to pass upon the legality of the claimant's appointment; they are simply required to see to it that payments are not made unless they comply with procedure set up in the charter; they are not required to go beyond the certifications of the department head and the secretary of the commission as to the legality of the appointment. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

6.302 LIMITATION ON INCURRENCE OF LIABILITY.

The second paragraph of this section imposes a correlative duty to that set out therein on the controller, by virtue of his office, to determine whether the necessary funds are available to carry out the proposed expenditure and, if so, to make the appropriate certification. **Flora Crane Service, Inc. v. Ross** (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

Under this section the controller cannot make certification until the precise amount of the city's proposed contract is established, but thereafter he has a clear ministerial duty to determine whether the necessary funds are available, and, if they are, to so certify. **Flora Crane Service, Inc. v. Ross** (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

Under this section the controller has an affirmative duty to make certification after the city's contract is established without a specific request by the contract's obligee. **Flora Crane Service, Inc. v. Ross** (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

To compel certification by the controller of an appropriation for a contract after it has been performed does not defeat or impair the requirement of this section that the certification be before the obligation is incurred as to open the door to fraudulent imposition of contractual liabilities on the city, where there is a valid appropriation for the expenditure and unencumbered funds are available to pay it. **Flora Crane Service, Inc. v. Ross** (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

While this section, in imposing liability on public officers for demands illegally approved, allowed or paid, may be paramount to state law as to municipal affairs, it is not paramount as to matters of state concern. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

This section is invalid insofar as it attempts (if it does attempt) to impose absolute liability on the district attorney for erroneous discretionary acts performed in good faith within the scope of his authority without malice, corruption or sinister motives. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

In determining the question of the personal liability of the controller for the allowance, and the treasurer for the payment, of salary claims illegally approved by an appointing officer, §§ 150 and 73 must be read with this section. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

In allowing and paying salary claims, the controller and the treasurer are not required under this section, when read with §§ 150 and 73, to pass upon the legality of the claimant's appointment; they are simply required to see to it that payments are not made unless they comply with procedure set up in the Charter; they are not required to go beyond the certifications of the department head and the secretary of the commission as to the legality of the appointment. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

Notwithstanding the clause of this section requiring certification as to a sufficient unencumbered balance to meet proposed expenditures, the Board of Supervisors has broad powers as a law making body to contract on behalf of the city. To promise the payment of money upon performance of the contract out of an unencumbered and unexpended fund set aside for such expenditure is not to contract a liability in violation of the Charter. **San Francisco v. Boyd** (1941) 17 Cal. (2d) 606, 110 Pac. (2d) 1036.

6.303 EXPENDITURES AND PAYMENT OF CLASS.

Cited in **Flora Crane Service, Inc. v. Ross** (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr.

6.305 TRANSFERS.

Under this section authorizing transfer and use of a surplus for another purpose within a department, and § 128.1, authorizing creation of a fund for reconstruction and replacements due to functional depreciation of utilities, surplus of the municipal railway reconstruction and replacement fund may be expended for services of civil engineer to make surveys and report with respect to transit conditions, and extensions and improvements of the municipal railway. **San Francisco v. Boyd** (1941) 17 Cal. (2d) 606, 110 Pac. (2d) 1036.

6.306 CASH RESERVE FUND AND SUPPLEMENTAL APPROPRIATIONS.

On June 6, 1978, California's voters approved Proposition 13, now embodied in the California Constitution as article XIII A. This amendment limits taxes on real property and, in section 4, restricts state and local governments to impose special taxes except by a two-thirds vote of the qualified electors of such districts. **City and County of San Francisco v. Farrell** (1981) 116 Cal. App. (3d) 354, 172 Cal. Rptr. 118.

6.311 RECEIPT, CUSTODY AND DEPOSIT OF FUNDS, INVESTMENT OF TRUST FUNDS.

This section was not violated by the city in its agreement in connection with establishing an off-street parking facility. **Larsen v. City and County of San Francisco** (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

6.407 UTILITY REVENUES AND EXPENDITURES.

In the provision of this section authorizing expenditure from a fund for a utility "for the payment of operating expenses," the term "operating expenses" is not confined to maintenance, and may include an expense for an appearance by a committee before Congress to urge legislation beneficial to the city. **Powell v. San Francisco** (1919) 44 Cal. App. 167, 186 Pac. 412.

The provision of this section authorizing a fund for reconstruction and replacements due to physical and "functional depreciation" of utilities, includes replacement of parts due to obsolescence and inadequacy as well as to complete decay. **San Francisco v. Boyd** (1941) 17 Cal. (2d) 606, 110 Pac. (2d) 1036.

Under § 77, authorizing transfer and use of surplus for another purpose within a department, and this section, authorizing creation of a fund for reconstruction and replacements due to functional depreciation of utilities, a surplus of the municipal railway reconstruction and replacement fund may be expended for services of a civil engineer to make surveys and reports with respect to traffic and transit conditions, and extensions and improvements of the municipal railway. **San Francisco v. Boyd** (1941) 17 Cal. (2d) 606, 110 Pac. (2d) 1036.

7.100—7.104 PURCHASE OF MATERIAL, SUPPLIES AND EQUIPMENT.

Cited in **Diamond International Corp. v. Boas** (1979) 92 Cal. App. (3d) 1032, 155 Cal. Rptr. 627. (Amended December 24, 1981) 92 A (3d) 1032, 155 Cal. Rptr. 627. **City and County of San Francisco v. Cooper**.)

7.200 PUBLIC WORKS AND PURCHASING CONTRACTS.

The requirement of this section that contracts for construction of public works or improvements be let to the lowest bidder does not apply to a contract for expert services in the preparation of plans, specifications, estimates of costs and contract documents for a project. **Kennedy v. Ross** (1946) 28 Cal. (2d) 569, 170 Pac. (2d) 904.

The provisions of this section requiring that bids be received on contracts do not preclude a contract without bidding for services of a person highly skilled in his science or profession to make surveys, reports, etc., relative to traffic and transit conditions. **San Francisco v. Boyd** (1941) 17 Cal. (2d) 606, 110 Pac. (2d) 1036.

Where the formalities prescribed as prerequisites to the making of a contract for public improvement are not complied with, the law does not imply an obligation to pay for the work. *Zottman v. San Francisco* (1862) 20 Cal. 96, 81 Am. Dec. 96.

City ordinance which gave minority-owned, women-owned and locally owned business enterprises five percent bidding preference for contracts over \$50,000 put out to bid, violated section 7.200 of city charter providing that contracts were to be awarded to lowest reliable and responsible bidder, where under section 7.200 the term "responsible" is meant to do no more than exclude contractors not qualified to do particular work under consideration, and does not relate to social responsibility. *Associated General Contractors of California, Inc. v. City and County of San Francisco* 813 F.2d 922, 42 Empl. Prac. Dec. P36, 894, 55 U.S.L.W. 2547.

7.201 PUBLIC WORKS, CONTRACT PROCEDURE BY ORDINANCE.

City and County of San Francisco v. Cooper.

(Amended December 24, 1981) A 1977 Appx. P. (88).

7.204 CONTRACTORS' WORKING CONDITIONS.

The argument that a contract was for work and labor rather than a contract of purchase, is not pertinent in considering the application of this section, under which the question to be determined is whether the contract is one for public work. *Pacific Mfg. Co. v. Leavy* (1936) 14 Cal. App. (2d) 640, 58 Pac. (2d) 1292.

This section, as it stood in 1935, when it required "every contract for any public work on improvement exclusive of purchases" to contain certain provisions, did not apply to a subcontract to furnish mill work to be installed in a building, since such a subcontract was not one for the doing of any work for San Francisco, but for furnishing finished articles of merchandise. *Pacific Mfg. Co. v. Lean* (1936) 14 Cal. App. (2d) 640, 58 Pac. (2d) 1292.

7.300 GENERAL LAWS APPLICABLE.

This section which incorporates the general law on creation of bonded indebtedness of "municipalities, except as otherwise provided," does not prevent the creation of bonded indebtedness for county purposes as an exercise of powers appropriate to a county under § 2. *San Francisco v. Collins* (1932) 216 Cal. 187, 13 Pac. (2d) 912.

7.400 DIRECTOR OF PROPERTY.

It was held in *Lynch v. San Francisco*, Superior Court No. 15020, "That the defendant, . . . as Director of Property and Head of the Real Estate Department of the city and county of San Francisco and his respective successors in office are authorized by the present charter to fix rentals for the renting of said Exposition Auditorium upon such terms and conditions as he sees fit and without any ordinance, resolution or authorization by the defendant, Board of Supervisors, for the purpose." Judgment affirmed in *Lynch v. San Francisco* (1935) 3 Cal. (2d) 141, 43 Pac. (2d) 538.

7.401 SALE OR EXCHANGE OF REAL PROPERTY.

A complaint alleging that the City has violated Charter provisions delineating the City's duties in appraising and disposing of vacated streets is a justifiable complaint. *Harman v. City and County of San Francisco* (1972) 7 Cal. (3d) 1248, 101 Cal. Rptr. 880.

The sale of public streets of San Francisco is governed by its Charter and not by the Streets and Highways Code. *Harman v. City and County of San Francisco* (1972) 7 Cal. (3d) 150, 496 Pac. (2d) 1248, 101 Cal. Rptr. 880.

This section, requiring sale of city property at 90 percent of a "preliminary appraisal" value when the property is not sold at auction, serves the purpose of enjoining the City from the waste of assets that have been obtained or maintained at public expense. *Harman v. City and County of San Francisco* (1972) 7 Cal. (3d) 150, 496 Pac. (2d) 1248, 101 Cal. Rptr. 880.

In order to fulfill the purpose of avoiding sales that result in public waste, the "preliminary appraisal" of property offered for a noncompetitive sale must represent a rational assessment of the property's market value. The draftsmen of this section did not intend to give the director of property a latitude that would destroy the

protective armor of this section. **Harman v. City and County of San Francisco** (1972) 7 Cal. (3d) 150, 496 Pac. (2d) 1248, 101 Cal. Rptr. 880.

This section requires the City, when selling vacated streets to abutting owners, to obtain in exchange at least 90 percent of a rational assessment of the market value thereof. **Harman v. City and County of San Francisco** (1972) 7 Cal. (3d) 150, 496 Pac. (2d) 1248, 101 Cal. Rptr. 880.

Because the City cannot show as a matter of law that it received 90 percent of a rationally determined market value of certain vacated streets described in the plaintiff's complaint, plaintiff's allegations that the City failed to fulfill this statutory duty, due to the director of property's practice of appraising every easement of ingress and egress at 50 percent of the street's unencumbered fee value, states a valid cause of action; and hence the trial court erred in sustaining the City's demurrers without leave to amend. **Harman v. City and County of San Francisco** (1972) 7 Cal. (3d) 150, 496 Pac. (2d) 1248, 101 Cal. Rptr. 880.

Section 7.401 of the city charter, by its terms, clearly imposes a mandatory duty upon the director of property to solicit bids from the general public for sale of municipal property. **Meakin v. Steveland, Inc.** (1977) 68 Cal. App. (3d) 490, 137 Cal. Rptr. 359.

In a taxpayer's suit challenging a city's sale of a vacated street to abutting property owners who were developing their property as an office building, the evidence did not support the trial court's finding that the former street was sold for at least 90% of the preliminary appraisal of the property as prescribed by § 7.401, where the sale price was not based on a true appraisal of the property but resulted from an averaging by the city property director of the square foot cost of other property assembled by the abutting owners for their office building project, decreased by 50% on the basis of "custom" and where the only other evidence of value, offered by plaintiff, was stricken by the court. **Meakin v. Steveland, Inc.** (1977) 68 Cal. App. (3d) 490, 137 Cal. Rptr. 359.

Cited in **Shortline Associates v. San Francisco** (1978) 78 Cal. App. (3d) 50, 143 Cal. Rptr. 921.

Sections 7.401 and 7.402 of the city charter limiting city board of supervisors' power to sell property for less than 90% of appraised value do not apply if transfer of public property is for valid public purpose, and board retains power to sell property for less than 90% of appraised value if part of consideration received serves public purpose. **City and County of San Francisco v. Patterson (Guichard)** (1988) 202 Cal. App. 3d 95, 47 Ed. Law Rep. 259, 248 Cal. Rptr. 290.

7.402 LEASE OF REAL PROPERTY.

The provisions of this section constitute no restriction on the powers exercised by the city in an agreement and lease relating to an off-street parking facility. **Larsen v. City and County of San Francisco** (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

In arranging, under this section, for a lease to the highest bidder, the director may insert in the call for bids, for the protection of the city, a clause that the bid is subject to confirmation by the commission. **Laurent v. San Francisco** (1950) 99 Cal. App. (2d) 707, 222 Pac. (2d) 274.

Sections 7.401 and 7.402 of the city charter limiting city board of supervisors' power to sell property for less than 90% of appraised value do not apply if transfer of public property is for valid public purpose, and board retains power to sell property for less than 90% of appraised value if part of consideration received serves public purpose. **City and County of San Francisco v. Patterson (Guichard)** (1988) 202 Cal. App. 3d 95, 47 Ed. Law Rep. 259, 248 Cal. Rptr. 290.

7.403 SALE OR LEASE OF PARK LAND.

California cases have upheld leases of state tidelands property to private entities. **Besig v. Friend** (1979) 463 F. Supp. 1060.

The words "subsurface space" applied to leases do not mean that a proposed garage (under Portsmouth Square) must in its entirety be below the existing surface. And the use of a portion of the reconstructed surface for necessary entrance, elevator, shaft, and ventilators does not bar the proposed use. **Best v. City and County of San Francisco**. (1960) 184 Cal. App. (2d) 396, 7 Cal. Rptr. 479.

The provision in this section against a garage that will be "in any material respect or degree, detrimental to the original purpose" of the park or square is not violated by a proposed garage under Portsmouth Square that is not entirely below the existing surface, that requires change and reconstruction of the existing surface,

and that will present a different "view" to passers-by. The provision, further, is complete protection against construction of a multi-story garage wholly above the existing surface, with soil and planting on its roof to preserve its function as a park or square. **Best v. City and County of San Francisco** (1960) 184 Cal. App. (2d) 396, 7 Cal. Rptr. 479.

This section is subject to the rule of fair and reasonable construction with due regard for the object to be accomplished. Its clear purpose is to permit construction and use of underground garages below public parks or squares so long as there is no unreasonable diminution of the parks or squares for public employment. **Best v. City and County of San Francisco** (1960) 184 Cal. App. (2d) 396, 7 Cal. Rptr. 479.

The provisions of this section constitute no restriction on the powers exercised by the city in an agreement and lease relating to an off-street parking facility. **Larsen v. City and County of San Francisco** (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

It was within the powers granted under this section to the Board of Park Commissioners to execute a lease of the subsurface space beneath Union Square for the purpose of erecting and constructing thereon a public automobile garage even though this entailed a temporary suspension of surface use during construction and a permanent use of a small portion of the surface for entrances and exits. **San Francisco v. Linares** (1940) 16 Cal. (2d) 441, 106 Pac. (2d) 369.

7.404 REFERENDUM ON AND LEASE OR SALE OF PUBLIC PROPERTY.

An off-street parking facility is not a public utility within the meaning of this section. **Larsen v. City and County of San Francisco** (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

7.501 ZONING AMENDMENTS.

Jurisdiction of City Planning Commission to consider proposed changes in the classification of the use of property does not extend to regulatory schemes of general application involving ministered act, not land use decisions. **Terminal Plaza Corp. v. CCSF** (1986) 177 Cal.App.3d 892.

This section of city charter requiring planning commission consideration on "proposed ordinances and amendments thereto regulating or controlling the height, area, bulk, setbacks, location, use or related aspects of any building" did not apply to ordinance requiring residential hotel owners to provide relocation assistance to residents prior to conversion of hotel to difference use, and thus ordinance could be adopted without prior review by planning commission. **Terminal Plaza Corporation v. City and County of San Francisco** (1986), 177 Cal. App. 3d 892, 2223 Cal. Rptr. 770.

7.502—7.503 ZONING ADMINISTRATION.

The city code provides that, if an applicant appeals from a decision of the zoning administrator, the "board of permit appeals shall fix the time and place of hearing, which shall be not less than five (5) nor more than fifteen (15) days after the filing of said appeal, and shall act thereon not later than forty (40) days after such filing." These provisions are not to be deemed jurisdictional thereby depriving the aggrieved party of his right to appeal. Muni. Code, pt. III, art. I, §8. **Edwards v. Steele** (1979) 25 Cal. App. (3d) 406, 258 Cal. Rptr. 662.

7.503 ZONING VARIANCES.

By virtue of this section and Section 302, Subdivision (d) of the Planning Code, the initial determination as to whether a variance should be granted or denied is vested in the zoning administrator, who is empowered to grant such a variance only on a finding that the conditions of these enactments have been satisfied. **City and County of San Francisco v. Padilla** (1972) 23 Cal. App. (3d) 388, 100 Cal. Rptr. 53.

The determination of the zoning administrator is not final if an appeal is taken therefrom to the Board of Permit Appeals pursuant to this section as implemented by Section 303 of the Planning Code. **City and County of San Francisco v. Padilla** (1972) 23 Cal. App. (3d) 388, 100 Cal. Rptr. 223.

The jurisdiction of the Board of Permit Appeals, insofar as zoning matters are concerned, is not governed by Section 39 but is controlled exclusively by this section and Sections 302 and 303 of the Planning Code. **City and County of San Francisco v. Padilla**. (1972) 23 Cal. App. (3d) 388, 100 Cal. Rptr. 223.

Within the purview of this section and Sections 302 and 303 of the Planning Code, the Board of Permit Appeals, in hearing appeals from the zoning administrator's decisions relating to the granting or denying of a

variance, is entitled to exercise its own independent judgment but in doing so can grant a variance only if it finds that the conditions specified in those sections are satisfied. **City and County of San Francisco v. Padilla** (1972) 23 Cal. App. (3d) 388, 100 Cal. Rptr. 223.

In respect to hearing appeals from the zoning administrator's decisions relating to granting or denying a variance, this section is more restrictive than the discretionary power conferred on the Board of Permit Appeals by Section 39 of the Charter. **City and County of San Francisco v. Padilla** (1972) 23 Cal. App. (3d) 388, 100 Cal. Rptr. 223.

In order to grant a zoning variance, the Board of Permit Appeals is required to have jurisdiction of the subject matter entitling it to grant or deny a zoning variance. Such jurisdiction is obtained through this section and not through Section 39. The predicate for such an appeal is an initial determination by the zoning administrator granting or denying the variance following an application therefor, a notice of hearing to abutting owners, and a hearing and specific findings, in compliance with the requirements of this section and the applicable provisions of the Planning Code. **City and County of San Francisco v. Padilla** (1972) 23 Cal. App. (3d) 388, 100 Cal. Rptr. 223.

The initial determination as to whether a zoning variance should be granted or denied is vested in the zoning administrator, who is empowered to grant a variance only on finding that the conditions of this section and § 302(d) of the City Planning Code are satisfied. **Cow Hollow Improvement Club v. Board of Permit Appeals** (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

A determination by the zoning administrator that the conditions for granting a zoning variance are satisfied is not final where an appeal is taken to the Board of Permit Appeals. **Cow Hollow Improvement Club v. Board of Permit Appeals** (1966) 245 Cal. App. (2d) 160 53 Cal. Rptr. 610.

Upon the taking of an appeal from the zoning administrator to the Board of Permit Appeals, the board is not bound by the administrator's findings or his decision; hence the board is invested with complete power to hear and determine the entire controversy before it and to draw its own conclusions from conflicting evidence before it and, in the exercise of its independent judgment, to affirm, modify, or overrule the administrator's action. **Cow Hollow Improvement Club v. Board of Permit Appeals** (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

The board's role and power in granting or denying zoning variances are governed exclusively by this section and by Section 303 of the City Planning Code. **Cow Hollow Improvement Club v. Board of Permit Appeals** (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

7.600 PROCEDURE BY GENERAL LAW OR ORDINANCE.

This section applies only to street vacations whose costs have been provided by state legislation and only if another Charter provision does not govern the meeting of such costs. Streets and Highways Code Sections 960.4 and 8300 et seq., under which the state has adopted an alternative procedure for street vacations, do not provide for meeting the costs of street vacations and hence cannot be invoked under this Charter section to preclude the application to street vacations of other Charter sections. **Harman v. City and County of San Francisco** (1972) 7 Cal. (3d) 150, 496 Pac. (2d) 1248, 101 Cal. Rptr. 880.

7.601 REPAIR OF ACCEPTED STREETS.

Sections 202(c), 203(a), and 205(c) of the Standard Specifications of the Bureau of Engineering, Department of Public Works, should not be read in conjunction with this section; there is no retroactive mandatory duty on the part of the City and County to have curbs throughout the City six inches in height. **Curreri v. City and County of San Francisco** (1968) 262 Cal. App. (2d) 603, 69 Cal. Rptr. 20.

Failure to provide curbs on Greenwich Street six inches in height cannot be interpreted as negligence as a matter of law. **Curreri v. City and County of San Francisco** (1968) 262 Cal. App. (2d) 603, 69 Cal. Rptr. 20.

(No current section; see Sec. 117 of the pre-1971 Charter.)

**ZONING—PRESENT
PROVISIONS TO APPLY
PENDING ORDINANCE
REVISION.**

The Board of Supervisors in establishing a procedure as directed by this section cannot deprive a property owner of a right given by the Charter. **Marculescu v. City Planning Commission** (1935) 7 Cal. App. (2d) 371, 46 Pac. (2d) 308.

It is presumed that the words "an interested person," as used in this section, were used in the same sense in which they were by prior decisions deemed to have been used in various statutes. **Marculescu v. City Planning Commission** (1935) 7 Cal. App. (2d) 371, 46 Pac. (2d) 308.

An adjacent property owner is interested in the use to which his neighbor may legally put his property and is, therefore, an interested property owner within this section. **Marculescu v. City Planning Commission** (1935) 7 Cal. App. (2d) 371, 46 Pac. (2d) 308.

An ordinance providing that a petition for rezoning shall be signed and verified by "the owner of the property" is invalid as an attempted limitation on this section which authorizes such an application by "an interested property owner." **Marculescu v. City Planning Commission** (1935) 7 Cal. App. (2d) 371, 46 Pac. (2d) 308.

7.700 TAXPAYERS' SUITS.

Under this section, a taxpayer's mandamus proceeding to correct deficiencies and errors in property assessments made by the assessor is in the nature of a class action to which equitable principles apply; and where judgment was entered in favor of the taxpayer, an award of attorneys' fees in favor of the petitioners directly payable to the law firms representing petitioners, where such fees were on a contingent percentage basis, was a proper exercise of the court's broad equitable powers. **Knoff v. City and County of San Francisco** (1969) 1 Cal. App. (3d) 184, 81 Cal. Rptr. 683.

7.703 LIMITATION ON CLAIMS AND DAMAGES.

In a personal injury action, the city was not estopped from asserting the defense of noncompliance with this section where there was no finding that the oral notice given to a city employee contained the necessary information for the city to investigate the matter and where the record implied a lack of reliance by the injured plaintiff on the city employee's statement that a delayed filing of a claim would be "all right." **Howard v. San Francisco** (1962) 205 Cal. App. (2d) 602, 23 Cal. Rptr. 183.

Since only substantial compliance with this section is required, a claim erroneously stating that an accident occurred at one place when in fact it had occurred at another, and claimant so testified upon trial, was sufficient in view of claimant's good faith in attempting to comply with the law and since the mistake was not unreasonable. **Parodi v. San Francisco** (1958) 160 Cal. App. (2d) 577, 3 224.

The requirement under this section that claims for damages against the city must be presented to the controller within 60 days after the occurrence does not apply to a claim based upon alleged violation of an agreement under which plaintiff deposited money with the city which he later sued to recover. **Bertone v. San Francisco** (1952) 111 Cal. App. (2d) 579, 245 Pac. (2d) 29.

Where the verification required by this section is proper on its face and is sufficient to support any charge or perjury in case of a false statement in a claim, it is not error to refuse the municipality permission to present evidence showing that the claim has not been properly verified. **Germ v. San Francisco** (1950) 99 Cal. App. (2d) 404, 222 Pac. (2d) 122.

In an action for personal injuries against a municipality, the injured party is not limited to the amount of the claim filed in accordance with this section, since such claims must be filed often before the extent of the injury is known and to limit recovery would induce the filing of excessive claims and tend to defeat the purpose of the claim provision. **Sullivan v. San Francisco** (1950) 95 Cal. App. (2d) 745, 214 Pac. (2d) 82.

A claim for injuries filed with the controller in accordance with this section by a street car passenger cannot be sustained as a timely filing of a county claim under Gov. Code §§ 29700—29705, since the operation of a street railway is not a county or government function, and since claims against counties must be filed with the Board of Supervisors. **Kornahrens v. San Francisco** (1948) 87 Cal. App. (2d) 196, 196 Pac. (2d) 140.

The provision of this section precluding recovery unless claims for damages be presented within 60 days after the occurrence applies to a claim for injuries to a passenger on a municipal street car. **Kornahrens v. San Francisco** (1948) 87 Cal. App. (2d) 196, 196 Pac. (2d) 140.

An action for personal injuries was not barred by failure to file claim against the city where the injury which was the basis of claimant's cause of action rendered him mentally incapable of filing the claim within the time required by this section and he filed it as soon as he regained the mental ability to do so. **Schuldstad v. San Francisco** (1946) 74 Cal. App. (2d) 105, 168 Pac. (2d) 68.

The time and place for filing of claims predicated on the liability under state law are matters of statewide concern, and the filing of a claim with the controller, as provided in this section, instead of the secretary or clerk of the legislative board, as provided in the statute is ineffective. **Wilkes v. San Francisco** (1941) 44 Cal. App. (2d) 393, 112 Pac. (2d) 759.

The writing of a letter by the injured party to the city and the city's action upon it does not estop the city from raising this section as a bar to action upon a claim. **Kline v. San Francisco Unified School Dist.** (1940) 40 Cal. App. (2d) 174, 104 Pac. (2d) 661, heard by sup ct as reported in 40 Cal. App. (2d) 1978, 105 Pac. (2d) 362.

The language of this section applies to all claims for damages against the city. **Cathey v. San Francisco** (1940) 37 Cal. App. (2d) 575, 99 Pac. (2d) 1109.

A statement of claim or demand as required by this section is a condition precedent to an action for damages and must be pleaded. **Cathey v. San Francisco** (1940) 37 Cal. App. (2d) 575, 99 Pac. (2d) 1109; **Kline v. San Francisco Unified School Dist.** (1940) 40 Cal. App. (2d) 174, 104 Pac. (2d) 661, heard en banc as reported in 40 Cal. App. (2d) 178, 105 Pac. (2d) 362.

A complaint which fails to plead a demand made in accordance with the requirements of this section does not state a cause of action. **Crim. v. San Francisco** (1907) 152 Cal. 279, 92 Pac. 640.

7.704 PERMITS AND LICENSES.

"It is impossible to lay down any positive rule by means of which the character of any given tax may be ascertained. In each case the character of the given tax must be ascertained by its incidents, and from the natural and legal effect of the language employed in the statute . . ." **Ingels v. Riley** (1936) 5 Cal. (2d) 154, 159, **Ainsworth v. Bryant** (1949) 34 Cal. (2d) 465, 473, 62 AG 664 (1979).

8.100 QUALIFICATIONS OF OFFICERS & EMPLOYEES.

For judicial decisions involving provisions of this section that were repealed by the amendment of 1958, see **Lansing v. Board of Education** (1935) 7 Cal. App. (2d) 211, 45 Pac. (2d) 1021.

The five-year durational residence requirement of § 8.100(a) is not justified as furthering any compelling governmental interest, nor does it constitute the least restrictive method of achieving the desired purpose. Thus, the provision denies candidates for appointive office the equal protection of the laws and is invalid. **Bay Area Women's Coalition v. San Francisco** (1978) 78 Cal. App. (3d) 961, 144 Cal. Rptr. 591.

8.105 CONFLICT OF INTEREST AND OTHER PROHIBITED PRACTICES.

Cited in **Skelly v. State Bar of California** (1973) 9 Cal. (3d) 502, 108 Cal. Rptr. 6, 509 Pac. 2d 950.

A public appointee's outside activity which is known to his appointing officer at the time of his appointment, and which is not determined at that time to be an activity in conflict with the appointee's duties as a public official is, by implication, an activity which is "otherwise approved" and not subject to the statute's proscriptive reach. **Mazzola v. City and County of San Francisco** (1980) 112 Cal. App. (3d) 152, 169 Cal. Rptr. 133.

The purpose in deleting section 8.105 (b) of the San Francisco Charter in 1974 was to avoid duplication with section 1126 of the Government Code rather than an attempt to supersede the statute. **Mazzola v. City and County of San Francisco** (1980) 112 Cal. App. (3d) 152, 169 Cal. Rptr. 133.

8.107 SUSPENSION AND REMOVAL.

Section 1126 of the Government Code requires notice to employees of the determination of prohibited activities, of disciplinary activities, and for appeal by employees for such a determination and from its application to an employee. **Mazzola v. City and County of San Francisco** (1980) 112 Cal. App. (3d) 154, 169 Cal. Rptr. 130.

When there is no expression in the statute to the contrary, a public officer who continues to perform the duties of the office and holds office beyond the term for which he was elected or appointed, holds office until his successor is selected and qualifies. A hold-over officer serves at the pleasure of the mayor who could appoint or replace said officer at any time. **Besig v. Friend** (1978) 460 F. Supp. 137.

8.200 PROCEDURE.

The civil service system rests on the principle of application of the merit system instead of the spoils system in the matter of appointment and tenure office; to such end, the charter (§§ 140-143) establishes a classified civil service system, with exclusive power in the civil service commission to provide qualified personnel for the various municipal departments and to classify or reclassify positions according to prescribed duties. **Hanley v. Murphy** (1953) 40 Cal. (2d) 572, 255 Pac. (2d) 1.

In the provision of this section that the only method for the creation of new positions in any department is by appropriation ordinance, the word "position" is used as embracing both officers and employees. **Brown v. Boyd** (1939) 33 Cal. App. (2d) 416, 91 Pac. (2d) 926.

8.300 CIVIL SERVICE POSITIONS.

Placing a principal attorney in the office of the district attorney into a separate class for the purpose of exclusion from the retirement system and reemployment was justified by the fact that this section distinguishes attorneys and physicians from the great mass of city and county employees by exempting them from the civil service system. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

The civil service system rests on the principle of application of the merit system instead of the spoils system in the matter of appointment and tenure of office; to such end, the charter (§§ 140-143) establishes a classified civil service system, with exclusive power in the civil service commission to provide qualified personnel for the various municipal departments and to classify or reclassify positions according to prescribed duties. **Hanley v. Murphy** (1953) 40 Cal. (2d) 572, 255 Pac. (2d) 1.

"Positions" in "departments and offices" of the city, within the provision of this section as to what is included in the classified civil service, connote employment to render services at a salary paid periodically. **Kennedy v. Ross** (1946) 28 Cal. (2d) 569, 170 Pac. (2d) 904.

An independent contractor engaged to do a specific professional task, such as a consulting engineer who for a stated consideration agrees to prepare and furnish plans, specifications, estimates, etc., required for a proposed sewage disposal project, and his assistants, do not become city employees in either temporary or permanent positions in the sense intended by Subd. 4 of the first paragraph of this section, and an order of exemption by the civil service commission is not required. **Kennedy v. Ross** (1946) 28 Cal. (2d) 569, 170 Pac. (2d) 904.

An employee who had for more than one year prior to the effective date of the charter held a position on a project outside the boundaries of San Francisco was blanketed into his position by the provisions of this section continuing incumbents in their positions that had previously been exempt from civil service examinations, despite the fact that he did not fulfill the residence requirements of the charter. **Archer v. Civil Service Commission** (1943) 1 Cal. (2d) 357, 34 Pac. (2d) 1023.

The requirement under this section that all positions be included in the classified civil service and filled from lists of eligibles and applying to persons employed in positions in any department for expert professional temporary services is not violated by the making of the contract with a civil engineer for a traffic study where such a person is not to be placed in any position provided for in the charter. **San Francisco v. Boyd** (1941) 17 Cal. (2d) 606, 110 Pac. (2d) 1036.

Under the terms of this section continuing incumbents in those positions previously exempt from civil service examinations, an employee of a project outside the city was entitled to his salary even though part of his work was actually performed within the city. **Cutting v. McKinley** (1933) 130 Cal. App. 136, 19 Pac. (2d) 507.

Although the rules provide for a closed examination, they do not preclude open examinations if it is in the best interests of the city. **Berkeley Police Association, et al v. City of Berkeley** (1981) 117 Cal. App. (3d) 112, 172 Cal Rptr. 467.

Section 45318 of the Education Code providing that in all school districts coterminous with boundaries of city and county noncertified employees shall be employed pursuant to city and county's merit system of employment and shall be subject to and have all rights granted by such provisions, does not conflict with section 8.300(a)(2) of the city charter. **Evans v. San Francisco Unified School District** (1989) 209 Cal. App. 3d 1478, 53 Ed. Law Rep. 150, 258 Cal. Rptr. 15.

8.320 QUALIFICATIONS OF APPLICANTS.

Any rule adopted by the civil service commission in the exercise of its powers under this section must be reasonable and not operate to discriminate unreasonably between qualified applicants for positions; if unreasonable, those discriminated against have been denied the equal protection guaranteed by the state and federal constitutions. **Terry v. Civil Service Commission** (1952) 108 Cal. App. (2d) 861, 240 Pac. (2d) 691.

The requirement of a college education for applicants to take the examination for playground director is a reasonable exercise of the power of the civil service commission, under this section, to adopt rules and regulations fixing the conditions under which applicants may take civil service examinations and to establish

educational requirements for certain positions. **Terry v. Civil Service Commission** (1952) 108 Cal. App. (2d) 861, 240 Pac. (2d) 691.

A requirement for the position of playground director that university or college education, to be acceptable must be in universities or colleges on the accepted list of only the Association of American Universities or the Northwestern Association of Secondary and Higher Schools, and the denial of applications on the sole ground that they did not meet this requirement, was an unreasonable discrimination against graduates of schools accredited by other regional associations and an invalid exercise of the power of the civil service commission under this section. **Terry v. Civil Service Commission** (1952) 108 Cal. App. (2d) 861, 240 Pac. (2d) 691.

This section imposes as conditions precedent to taking an examination the requirements of § 7—citizenship and one year's residence in San Francisco. **Dierson v. Civil Service Commission** (1941) 43 Cal. App. (2d) 53, 110 Pac. (2d) 513.

8.320, 8.321 QUALIFICATIONS AND TESTS.

Unless rules promulgated by the civil service commission under powers conferred on it by this section are wholly unreasonable, arbitrary or such an abuse of discretion that they transcend the purpose for which the power was conferred, a court will not substitute its opinion or discretion for that of the commission. **Cotter v. Wolff** (1948) 88 Cal. App. (2d) 376, 198 Pac. (2d) 950.

The provision of this section that applicants for positions in the uniformed forces of the fire and police departments "shall have the physical qualifications for enlistment" in the armed forces prescribes standards of minimum qualifications, and under the provision making the civil service commission "the sole judge of the adequacy of the tests," it may require additional qualifications with which the courts will not interfere in the absence of a showing that they are arbitrary, capricious, or unreasonable. **Cotter v. Wolff** (1948) 88 Cal. App. (2d) 376, 198 Pac. (2d) 950.

Names of policemen placed on the eligible list under the old charter could be removed by the commission under this section of the new charter where the names were on the list for over two years and, since the power of the commission to strike off names after two years was identical under both charters, the commission did not give the new charter a retroactive interpretation in thus striking the names. **Jensen v. Civil Service Commission** (1935) 4 Cal. (2d) 334, 49 Pac. (2d) 283.

It was not the intent of the charter to have courts review the questions and answers of persons examined under this section in a competitive test devoid of prejudice, caprice and arbitrary action, practical in its character, given and determined in good faith by persons of a high degree of proficiency. **Mitchell v. McKevitt** (1932) 128 Cal. App. 458, 17 Pac. (2d) 789.

Under the provision (of former § 10, Art. XIII) that the commissioners "may strike off the names of candidates from the register after they have remained thereon more than two years" they could remove a name from the register after two years even though at various times the candidate had been given temporary or seasonal employment and was so employed at the time of the removal of his name. **Gilbert v. Civil Service Commission** (1923) 61 Cal. App. 459, 215 Pac. 97.

Under the provision of former § 10, Art. XIII, that the commission may strike off names of candidates from the register after two years, it may, upon no consideration other than that the list has been in force for two years, expunge it. **Mann v. Tracy** (1921) 185 Cal. 272, 196 Pac. 484.

The provision (of former § 4, Art. XIII) that examinations shall be practical in their character was not violated by the commissioners in concluding that a person with the prescribed experience as a veterinarian might be as well qualified as one of actual experience to supervise the work of canners, curers, packers, and preparers of meat and to inspect meat and meat products on sale. **Pratt v. Rosenthal** (1919) 181 Cal. 158, 183 Pac. 542.

The provision (of former § 10, Art. XIII) that the civil service commission may remove names from the list of eligibles after two years gave the commission its only authority to so remove names. **Cook v. Civil Service Commission of San Francisco** (1911) 160 Cal. 598, 117 Pac. 663.

A person was not removed from the register of eligibles (provided under former § 7, Art. XIII) and did not become permanent employee by virtue of appointments which were limited in time by the resolutions making them. **Rodrique v. Rogers** (1906) 4 Cal. App. 257, 87 Pac. 563.

8.323 PROTEST OF TENTATIVE LIST OF ELIGIBLES.

Civil service commission rule precluding applicants for civil service positions from protesting their non-selection during period following posting of tentative list of eligibles was in direct conflict with section 8.323 of city charter, and could not be enforced to limit disappointed applicants' right to protest. **Stuart v. City and County of San Francisco Civil Service Commission** (1986) 174 Cal. App. 3d 201, 219 Cal. Rptr. 770.

8.325 AID, HINDRANCE, FRAUD AND COLLUSION IN EXAMINATIONS.

The provision (of former § 18, Art. XIII) prohibiting the furnishing of special or secret information was not violated by the civil service commission's notice that it had limited supply of the regulations of the Board of Health and would furnish them to examination applicants so long as the supply lasted. **Pratt v. Rosenthal** (1919) 181 Cal. 158, 183 Pac. 542.

8.326 PROMOTIONS.

This section does not place a limit on the kind of question or problem that can be propounded. It must pertain to matters concerning the duties of the department for which the examination is held. **Murphy v. Walsh** (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

Under the requirements of this section as to the subject matter of tests, the civil service commission did not abuse its discretion in requiring the applicant to prepare a radio script where the subject matter of the script pertained to the duties of the position to be filled. **Murphy v. Walsh** (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

In setting up an open examination rather than a promotional examination for the position of maintenance chief at the San Francisco airport, the civil service commission did not abuse its discretion under this section. **Amerio v. San Francisco** (1954) 126 Cal. App. (2d) 271 Pac. (2d) 996.

In allowing consideration for meritorious service, this section makes credit for such service an integral part of the written examination, and such service is to be credited as of the date the examination is actually held in the absence of a valid rule or regulation prescribing a different date. **Conroy v. Wolff** (1950) 34 Cal. (2d) 745, 214 Pac. (2d) 529.

In a mandamus proceeding to compel the civil service commission to place the name of a police officer on the eligible list for promotion, brought following the allegedly erroneous denial of any points allowable for a clean record, the limit of the trial court's power, if it finds the petitioner to be entitled to relief, is to direct the commission to exercise its discretion in determining whether the officer is entitled to any of such point, and, if so, what part. **Conroy v. Civil Service Commission** (1946) 75 Cal. App. (2d) 450, 171 Pac. (2d) 500.

It was not an abuse of discretion for the civil service commission to declare that municipal railway conductors and motormen as well as inspectors were within "the next lower rank or ranks" eligible to take a promotional examination under this section to create an eligible list for the rank of special instructor where there were many overlapping salary ranges, and at least in the lower grades there was no clear cut priority of rank and therefore no precise method, without the exercise of discretion, for the determination. **Shannon v. McKinley** (1944) 62 Cal. App. (2d) 169, 144 Pac. (2d) 433.

Under the provision of this section that "The commission shall announce . . . the next lower rank or ranks from which the promotion will be made," the civil service commission has a wide discretion in determining the priority in ranks and in further determining the ranks falling in the category of the "next lower rank or ranks." And its determination will not be interfered with unless it clearly appears that the commission has abused its discretion. **Shannon v. McKinley** (1944) 62 Cal. App. (2d) 169, 144 Pac. (2d) 433.

The provision requiring the commission "whenever it deems it practicable" to give promotional and not open examinations embodies one of the fundamental concepts of a sound civil service system. **Allen v. McKinley** (1941) 18 Cal. (2d) 697, 117 Pac. (2d) 342.

The requirement of this section that promotional examinations shall be held when practicable is intended to promote efficiency among public employees. **Allen v. McKinley** (1941) 18 Cal. (2d) 697, 117 Pac. (2d) 342.

While this section makes it the duty of the commission to provide for a promotional examination whenever "it deems it to be practicable" whereas the old charter provided for such examination "whenever practicable," the two sections should be construed to mean substantially the same thing, that is, that under the old section as under the new, the question as to whether a promotional examination is practicable is confined to the limited discretion of the commission. **Allen v. McKinley** (1941) 18 Cal. (2d) 697, 117 Pac. (2d) 342.

Under this section, promotional examinations, except for those in the lowest ranks, are required to be held unless they are not practicable, and in determining whether or not they are practicable the commission does not possess unlimited discretion. **Allen v. McKinley** (1941) 18 Cal. (2d) 697, 117 Pac. (2d) 342.

The requirement of this section that the commission, where it deems it practicable, shall provide for promotional examinations is mandatory, and, if there are qualified persons eligible to such examination, the commission can only ascertain if it is impracticable to give a promotional examination after those eligible have been given such examination. **Allen v. McKinley** (1941) 18 Cal. (2d) 697, 117 Pac. (2d) 342.

In giving an open and original examination, instead of a promotional one, for creating an eligible list for the position of adjuster in the tax collector's office, the civil service commission abused its discretion where there were a large number of persons in the service fully qualified to take the examination for the eligible list for that position. **Allen v. McKinley** (1941) 18 Cal. (2d) 697, 117 Pac. (2d) 342.

8.328 PROMOTIONAL EXAMINATIONS FOR EMPLOYEES ON MILITARY LEAVE.

The declaration of cessation of hostilities of World War II, issued by the President of the United States on December 31, 1946, was not, and there has not been a proclamation of peace of termination of the national emergency within the meaning of this section. **Lynch v. San Francisco** (Apr. 17, 1953) 117 Cal. App. (2d) 347, 255 Pac. (2d) 827.

8.331 LIMITED TENURE APPOINTMENTS.

The provision in this section that dismissal of limited tenure employees shall be "with the approval of the Civil Service Commission" is plain in its terms and means that an appointing officer may not terminate the employment of a limited tenure employee without the approval of the Commission: it cannot be read to mean "without the approval of the Civil Service Commission if a court finds that the appointing officer had good cause." **McGill v. San Francisco** (1964) 231 Cal. App. (2d) 35, 41 Cal. Rptr. 568.

This section, which requires approval of an act by an officer, presumptively includes the right to disapprove. **McGill v. San Francisco** (1964) 231 Cal. App. (2d) 35, 41, Cal. Rptr. 568.

Where conductors, motormen and bus drivers appointed under this section were given credit for length of service under limited tenure employment in determining length of service upon which the base priority in the choice of carbarns, runs and vacation periods, this practice under the rules of the public utilities commission was within the discretion of the commission in the absence of a charter provision to the contrary. **Hart v. Landis** (1951) 103 Cal. App. (2d) 284, 229 Pac. (2d) 380.

8.332 TEMPORARY AND EMERGENCY APPOINTMENTS.

An assistant who is appointed to temporarily fill a vacancy in a supervisory position and given the entrance salary provided by ordinance for persons appointed to fill vacancies cannot, whether his appointment rests in this section or § 141, claim the salary attached to the superior position. **Dun v. Civil Service Commission** (1935) 3 Cal. App. (2d) 554, 40 Pac. (2d) 310.

8.340 DISMISSAL DURING PROBATION PERIOD.

The notice requirement of this section is not technically applicable to section 171.1.3, since under the latter section a fireman is not being terminated but is being compulsorily retired. **Barber v. Retirement Board of the City and County of San Francisco** (1971) 18 Cal. App. (3d) 273, 95 Cal. Rptr. 657.

When substantial evidence of the unfitness of a probationary policeman, concerning his conduct prior to appointment, becomes known to the police chief and this evidence was not made available to or considered by the civil service commission at the time it placed the candidate on the eligible list, the police chief has the discretion to act on such evidence by terminating the appointment. **Puckett v. San Francisco** (1962) 208 Cal. App. (2d) 471, 25 Cal. Rptr. 276.

While this section is silent as to the manner of giving notice, Civil Service Rule 23, in which reference is made to "mail" and notice being "sent" contemplates that notice may be mailed. **Matthews v. Civil Service Commission** (1958) 158 Cal. App. (2d) 169, 322 Pac. (2d) 234.

The duty imposed upon the commission by this section to certify the name of the person ranking highest on the current list of eligibles for the position to be filled cannot be circumvented by a rule of the commission. **Ballf v. Civil Service Commission** (1941) 43 Cal. App. (2d) 211, 110 Pac. (2d) 478.

This section imposes upon the commission the imperative duty to certify the name of the person standing highest on the list of eligibles, and, where such person holds a position of a classification different from that requisitioned, the commission is not justified in failing to certify his name by its own rule purporting to confer upon it discretionary power in respect to transfers to permanent positions of the same classification under different appointing officers. **Ballf v. Civil Service Commission** (1941) 43 Cal. App. (2d) 211, 110 Pac. (2d) 478.

A judgment for petitioner in mandamus compelling the civil service commission to certify his name to the Board of Supervisors for the position of general clerk-stenographer is erroneous in so far as it attempts to relieve petitioner of the necessity of passing a probationary period in the new position. **Ballf v. Civil Service Commission** (1941) 43 Cal. App. (2d) 211, 110 Pac. (2d) 478.

Where appointment for temporary employment was made under the former charter in a position designated as temporary, followed by discharge and immediate re-appointment, the appointment became permanent under former Charter § 10, Art. XIII; the fact that the re-appointment was made after the effective date of the present Charter under which, by this section, the commission was granted the power to determine the duration of appointments was immaterial. **Doerr v. Civil Service Commission** (1937) 21 Cal. App. (2d) 173, 68 Pac. (2d) 731.

Under its rule-making power (granted by former Charter § 3, Art. XIII) the civil service commission had no power to adopt a rule whereby positions which were neither temporary in fact nor temporary by the law of their creation, but were in fact permanent, could be designated temporary. **McGillicuddy v. Civil Service Commission** (1933) 133 Cal. App. 782, 24 Pac. (2d) 942.

Under the provision (of former Charter § 10, Art. XIII) that an appointment was deemed complete if the employee was not discharged prior to expiration of the probation period, appointments to positions which came to exist in a reasonable degree of continuity and permanency became permanent although they were designated as temporary in a succession of re-appointments subsequent to the probation period. **McGillicuddy v. Civil Service Commission** (1933) 133 Cal. App. 782, 24 Pac. (2d) 942.

A person was not removed from the register of eligibles (provided under former § 7, Art. XIII) and did not become a permanent employee by virtue of appointments which were limited in time by the resolutions making them. **Rodrique v. Rogers** (1906) 4 Cal. App. 257, 87 Pac. 563.

A probationary entrance classification employee of the municipal railway was entitled to a hearing before the Civil Service Commission and a formal decision before termination of his employment on the grounds of incompetence and inattention to duties, in accordance with § 8.340. **Jean v. Civil Service Com.** (1977) 71 Cal. App. (3d) 101, 139 Cal. Rptr. 303.

A city police chiefs termination of two probationary police officers' employment was invalid under the due process clause of U. S. Constitution, 14th Amend., and under a charter provision stating a procedure for disciplining "members" of the city's police department, which contained adequate procedural due process requirements, and permitted sanctions of reprimand, fine, suspension, or dismissal. **Lubey v. City and County of San Francisco** (1979) 98 Cal. App. (3d) 341, 159 Cal Rptr. 442.

8.341 SUSPENSION AND DISMISSAL FOR CAUSE.

Under a union agreement grievance procedure whereby a Municipal Railway employee is permitted to appeal a grievance relating to proposed disciplinary action to the manager of utilities, no public hearing is required under the Brown Act (Government Code Sections 54950 et seq.). The hearing before the manager is not a "meeting" of a "legislative body" within the meaning of the Brown Act, and this section entitles the employee to a public hearing when the proceedings attendant on his actual dismissal reach the appropriate stage. **Wilson v. San Francisco Municipal Railway** (1973) 29 Cal. App. (3d) 870, 105 Cal. Rptr. 855.

The right of appeal by a discharged employee is conferred solely by this section, and an employee desiring to appeal the order of discharge, after the hearing required before the discharging officer, must conform to the required procedure. **Smith v. City and County of San Francisco** (1970) 11 Cal. App. (3d) 606, 89 Cal. Rptr. 878.

An appellant's notice of appeal must briefly specify the grounds for the appeal. **Smith v. City and County of San Francisco** (1970) 11 Cal. App. (3d) 606, 89 Cal. Rptr. 878.

A hearing on appeal, following the required hearing before the discharging officer, is not required or contemplated under this section, and the commission may consider the transcript and the written grounds for appeal and act on them without more. **Smith v. City and County of San Francisco** (1970) 11 Cal. App. Pac. (3d) 606, 89 Cal. Rptr. 878.

Where the Commission requires "in writing any additional evidence it deems material," or where its examination extends to matters other than the record of the hearing, the discharged employee must be given the opportunity to know and to contest such additional matters. **Smith v. City and County of San Francisco** (1970) 11 Cal. App. (3d) 606, 89 Cal. Rptr. 878.

The fact that the hearing officer is also the appointing officer does not vitiate the procedure herein on the ground of unfairness. **Smith v. City and County of San Francisco** (1970) 11 Cal. App. (3d) 606, 89 Cal. Rptr. 878.

Procedural due process is not denied by this section, in requiring the appeal to be prosecuted in writing. **Smith v. City and County of San Francisco** (1970) 11 Cal. App. (3d) 606, 89 Cal. Rptr. 878.

The term "for cause" implies the existence of some fact that would constitute reasonable cause of removal; and in deciding whether the removal of a permanent employee was reasonable, the appellate court looks to the findings of the civil service commission rather than to the findings of the superior court that acted as the reviewing tribunal. **Forstner v. City and County of San Francisco** (1966) 243 Cal. App. (2d) 625, 52 Cal. Rptr. 621.

Insubordination by a civil service employee can be rightfully predicated only on a refusal to obey an order that a superior officer is entitled to give and to have obeyed, and the order must reasonably be related to the employee's duties. **Forstner v. City and County of San Francisco** (1966) 243 Cal. App. (2d) 625, 52 Cal. Rptr. 621.

The first sentence of this section, providing that a civil service employee shall not be removed or discharged "except for cause," is interpreted to mean that any reasonable, sufficient cause may be grounds for dismissal by the appointing officer. **Whoriskey v. San Francisco** (1963) 213 Cal. App. (2d) 400, 28 Cal. Rptr. 833.

The general power of the appointing officer to discharge is not limited by the specified grounds that apply when charges are filed by one other than the appointing officer. The appointing officer has a wide discretion in determining the fitness of an employee to continue performing the duties required by his employment. **Whoriskey v. San Francisco** (1963) 213 Cal. App. (2d) 400, 28 Cal. Rptr. 833.

The provision of this section for removal of an employee for cause, one of which is incompetence, is not subordinate to Section 2920 of the Labor Code, which specifies events terminating employment. **Reinfeld v. San Francisco City and County Employees Retirement System** (1958) 158 Cal. App. (2d) 460, 322 Pac. (2d) 508.

This section, in its provision for removal of an employee for incompetence after a hearing includes within its terms an employee who is mentally incapacitated. **Reinfeld v. San Francisco City and County Employees Retirement System** (1958) 158 Cal. App. (2d) 460, 322 Pac. (2d) 508.

Under this section the civil service commission acts de novo on appeal and its order supersedes the order appealed from. **Denton v. San Francisco** (1953) 119 Cal. App. (2d) 369, 260 Pac. (2d) 83.

The power of the civil service commission upon the appeal provided for by this section is as broad as that of the appointing officer who hears and determines charges, and the commission, too, may "exonerate, suspend, or dismiss the accused." **Denton v. San Francisco** (1953) 119 Cal. App. (2d) 369, 260 Pac. (2d) 83.

The limit of 30 days upon the suspension that the appointing officer under this section may impose in the disciplinary proceeding, in which there is no right to hearing unless demanded and no right to appeal, does not apply to the suspension that may result from the more formal proceeding providing for written charges, hearing, and an unqualified right of appeal to the civil service commission. **Denton v. San Francisco** (1953) 119 Cal. App. (2d) 369, 260 Pac. (2d) 83.

The fact that the written charge under this section improperly charges an appointee with "incompetence" as well as insubordination is immaterial where the written charge and the accompanying police report fully set forth the fact and circumstances in which the accusation is based. **Scannell v. Wolff** (1948) 86 Cal. App. (2d) 489, 195 Pac. (2d) 536.

The provision of this section forbidding removal except "upon written charges" is satisfied by a letter from the appointing officer and an accompanying police report setting forth the facts and circumstances on which the accusation is based. **Scannell v. Wolff** (1948) 86 Cal. App. (2d) 489, 195 Pac. (2d) 536.

The provision of this section that the commission on appeal "may require in writing additional evidence" does not authorize the admission of evidence which cannot be admitted on the trial itself, such as unsworn letters. **Scannell v. Wolff** (1948) 86 Cal. App. (2d) 489, 195 Pac. (2d) 536.

The appointing officer is not disqualified from sitting in judgment of proceedings under this section by the fact of prejudice or bias, since an otherwise disqualified administrative officer may act if his failure would result in a miscarriage of justice. **Scannell v. Wolff** (1948) 86 Cal. App. (2d) 489, 195 Pac. (2d) 536.

The action of the civil service commission in ordering "that this appeal be denied" is not beyond jurisdiction where the commission did in fact entertain the appeal and its order means that the application for reversal of the decision dismissing the employee is denied. **Scannell v. Wolff** (1948) 86 Cal. App. (2d) 489, 195 Pac. (2d) 536.

The civil service commission has no power to rescind its order dismissing an employee from his position in the municipal civil service in the absence of express authorization. **Hoertkorn v. Sullivan** (1944) 67 Cal. App. (2d) 151, 153 Pac. (2d) 367.

A temporary cessation or suspension from employment is not within the provision of this section prohibiting removal or discharge except for cause, upon written charges and after an opportunity to be heard. **Weigle v. San Francisco** (1937) 23 Cal. App. (2d) 274, 72 Pac. (2d) 902.

8.342 SUSPENSION AND DISMISSAL FOR CAUSE.

Cited in **Civil Service Asso. v. San Francisco** (1978) 22 Cal. (3d) 552, 150 Cal. Rptr. 129, 586 Pac. (2d) 162.

8.343 FINE, SUSPENSION AND DISMISSAL IN POLICE AND FIRE DEPARTMENTS.

This section expressly authorizes dismissal for cause of a member of the fire or police department, even where there is no intentional breach of duty or misconduct on the part of the member. **O'Neal v. City and County of San Francisco** (1969) 272 Cal. App. (2d) 869, 77 Cal. Rptr. 855.

Physical inability to perform a policeman's duty caused from a disability resulting from illness not incurred in the line of duty is sufficient cause for dismissal. **O'Neal v. City and County of San Francisco** (1969) 272 Cal. App. (2d) 869, 77 Cal. Rptr. 855.

This section clearly provides authority in the fire chief to suspend without a prior hearing and affords ample protection of all the members' constitutional rights. **Apostoli v. City and County of San Francisco** (1969) 268 Cal. App. (2d) 728, 74 Cal. Rptr. 435.

The statutory power of the fire chief to suspend without a prior hearing is not without restraint; the suspended member has the right to appeal to the Fire Commission, and this appeal contemplates a full hearing with the right of a member to appear with counsel, to have a public trial, and to secure the attendance of witnesses for his defense. **Apostoli v. City and County of San Francisco** (1969) 268 Cal. App. (2d) 728, 74 Cal. Rptr. 435.

Where a fire department member suspended by the fire chief appeals to the Fire Commission, the commission has the power to reverse or alter the finding of the chief, and in case of reversal may in its discretion order that the member affected be paid salary for the period of suspension. **Apostoli v. City and County of San Francisco** (1969) 268 Cal. App. (2d) 728, 74 Cal. Rptr. 435.

The formalities of this section and of Section 4403 of the Rules and Regulations of the Fire Department, relating to suspension by the fire chief without a hearing, are complied with by the delivery to the member of a copy of the City's investigating report on which the suspension was based. **Apostoli v. City and County of San Francisco** (1969) 268 Cal. App. (2d) 728, 74 Cal. Rptr. 435.

The police commission has no power under this section to rehear a proceeding resulting in an order removing a police officer, in the absence of express authority. The power to punish after hearing does not carry the express power to revoke or to reinstate. **Hoertkorn v. Sullivan** (1944) 67 Cal. App. (2d) 151, 153 Pac. (2d) 367.

The charge against a police officer, under this section, in the form of an ordinary complaint and verified in the form prescribed for verification of pleadings in civil actions is sufficient in form. **Shewbridge v. Police Commission** (1944) 64 Cal. App. (2d) 787, 149 Pac. (2d) 429.

The general law requiring that rules and regulations for government of the police department shall prescribe a separate and distinct penalty for violation of each rule and regulation (See Stats. 1911, p. 1160; Deering's Gen. Laws, Act 6014) has no application in San Francisco. **Shewbridge v. Police Commission** (1944) 64 Cal. App. (2d) 787, 149 Pac. (2d) 429.

The complaint against a police officer may be verified before the chief of police in view of § 4, and Pol. Code §§ 343 (now Gov. Code, § 1001), 1028. **Christal v. Police Commission** (1939) 33 Cal. App. (2d) 564, 92 Pac. (2d) 416.

The exercise by a police officer of his constitutional privilege against testifying in a grand jury investigation into the question of his commission of crime, is cause for dismissal under this section, even in the absence of any specific rule requiring an officer to testify before the grand jury or relating to conduct unbecoming an officer. **Christal v. Police Commission** (1939) 33 Cal. App. (2d) 564, 92 Pac. (2d) 416.

The authority conferred upon the commissioners by this section is pursuant to the Constitution and is of a judicial character exercised by a quasi-judicial body. **Ludolph v. Board of Police Commissioners** (1938) 30 Cal. App. (2d) 211, 86 Pac. (2d) 118.

The penalty imposed upon a member of the department found guilty of the charges brought against him under this section involves discretion of the administrative body, not its jurisdiction. **Ludolph v. Board of Police Commissioners** (1938) 30 Cal. App. (2d) 211, 86 Pac. (2d) 118.

The taking of evidence at a hearing for the purpose of determining the extent of punishment to be administered in accordance with this section, after previous trial and conviction, does not amount to being tried anew. **Ludolph v. Board of Police Commissioners** (1938) 30 Cal. App. (2d) 211, 86 Pac. (2d) 118.

Where an order dismissing an officer is made by the board in the proper exercise of its discretionary powers and after formal charge, trial and conviction under this section, such order will not be set aside by the courts. **Ludolph v. Board of Police Commissioners** (1938) 30 Cal. App. (2d) 211, 86 Pac. (2d) 118.

The duty of the commissioners on a trial of charges against a member of the police department, or on a hearing after his conviction, to fix his punishment cannot be diminished nor extended by his prior acquittal of charge brought by the grand jury. **Ludolph v. Board of Police Commissioners** (1938) 30 Cal. App. (2d) 211, 86 Pac. (2d) 118.

(No current section; see Sec. 162 of the pre-1971 Charter.)

DEFINITION, MEMBERS OF FIRE AND POLICE DEPARTMENTS.

Cited in **Civil Service Asso. v. San Francisco** (1978) 22 Cal. (3d) 552, 150 Cal. Rptr. 129, 586 Pac. (2d) 162.

This section was intended to exclude from § 169 pension coverage all marine engineers who were not required to meet the 35-year age limitation prescribed for regular members of the fire department. **Carrick v. San Francisco** (1962) 202 Cal. App. (2d) 402, 20 Cal. Rptr. 878.

This section reserves to the Commission the discretion to decide whether to accept or reject the police chief's recommendation to terminate. The alleged statement of Chief of Police that he would recommend suspension, rather than termination, in case of police officer charged with misconduct does not limit discretion of court to decide to terminate officer. **Lukin v. City and County of San Francisco** (1986) 187 Cal. App. 3d 807, 232 Cal. Rptr. 1.

8.345 DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES.

The provision in § 8.345 requiring police officers and firefighters to declare under oath that they would not engage in strike activities against the city is invalid under a provision in Cal. Const., Art. X, § 3 which proscribes any oath, declaration, or test, other than the one specifically set out in the constitution, as a qualification for any public officers or employment. **San Francisco Police Officers Asso. v. San Francisco** (1977) 69 Cal. App. (3d) 1019, 138 Cal. Rptr. 755.

The invalid oath requirement is severable from the substantive provisions of the section. **San Francisco Police Officers Asso. v. San Francisco** (1977) 69 Cal. App. (3d) 1019, 138 Cal. Rptr. 755.

8.360 LEAVES OF ABSENCE; CIVIL SERVICE RULES.

Cited in **Crowley v. San Francisco** (1978) 83 Cal. App. (3d) 776, 146 Cal. Rptr. 264.

A public employee who is on leave of absence does not thereby cease to be a public employee. **Crowley v. City and County of San Francisco** (1978) 83 Cal. App. 776, 146 Cal. Rptr. 265.

8.361 MILITARY AND WAR EFFORT LEAVES OF ABSENCE.

The declaration of cessation of hostilities of World War II, issued by the President of the United States on December 31, 1946, was not, and there has not been, a proclamation of peace or termination of the national emergency within the meaning of this section. **Lynch v. San Francisco** (Apr. 17, 1953) 117 Cal. App. (2d) 347, 255 Pac. (2d) 827.

The sick and disability leaves for municipal employees which are provided by this section, Rule 32 of the Civil Service Commission, and Part I, § 301 of the Municipal Code, are not governed by § 151.3, providing for regulation of pay rates of municipal employees in accordance with collective bargaining agreements in private industry, since such leaves are not an element of compensation of such employees. **Adams v. San Francisco** (1949) 94 Cal. App. (2d) 586, 211 Pac. (2d) 368, 212 Pac. (2d) 272.

A judgment for petitioner in mandamus compelling the Civil Service Commission to certify his name to the Board of Supervisors to the position of general clerk-stenographer in such board properly provided that petitioner be granted a leave of absence, without pay, from his present position as general clerk-typist in the recorder's office while serving the probationary period in the new office. **Ballif v. Civil Service Commission** (1941) 43 Cal. App. (2d) 211, 110 Pac. (2d) 478.

8.400 GENERAL RULES FOR ESTABLISHING AND PAYING COMPENSATION.

This section, providing that no officer or employee shall be paid for a greater time than that covered by his actual service, does not bar rights to vacation pay under § 151.5 to employees separated from employment prior to the effective date of that section, for the intent to make such payment is clear from § 151.5, and that section, being later in time, would control this earlier provision. **Tevis v. City and County of San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d) 757.

Computing wages of municipal railway employees under § 151.3 on the basis of wage schedules of other street railways in California does not require consideration of the guaranteed minimum hours provisions of those schedules, for under this section (§ 150) payments of wages for such guaranteed minimum hours may not be made to an employee who did not work for that amount of time. It would be necessary, in order to pay each employee for a minimum of eight hours, to revise the entire operating schedule to provide for such hours, and to revise it continually and at great effort and expense, a result not intended by the people in adopting the charter section. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

In determining the question of the personal liability of the controller for the allowance, and the treasurer for the payment, of salary claims illegally approved by an appointing officer, this section and § 73 must be read with § 86. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

In allowing and paying salary claims, the controller and the treasurer are not required under § 86, when read together with this section and § 73, to pass upon the legality of the claimant's appointment; they are simply required to see to it that payments are not made unless they comply with procedure set up in the Charter; they are not required to go beyond the certifications of the department head and the secretary of the Commission as to the legality of the appointment. **Galli v. Brown** (1952) 110 Cal. App. (2d) 764, 243 Pac. (2d) 920.

Board of supervisors has unabridged right to propose charter amendments to city electors. Necessity of charter amendments expressly exempted from statute requiring that employer representatives and employee organization meet and confer in good faith regarding employee organization's scope of representation. **San Francisco Fire Fighters v. Board of Supervisors, et al** (1979) 96 Cal. App. (3d) 538, 158 Cal. Rptr. 145.

8.400 COMPENSATION OF OFFICERS AND EMPLOYEES SUBJECT TO SALARY STANDARDIZATION.

The courts will not interfere with the rate-making authority in the matter of setting salaries at prevailing rates unless the rates are so palpably unreasonable and arbitrary as to indicate an abuse of discretion as a matter of law, or where there is fraud. **San Francisco Chamber of Commerce v. City and County of San Francisco** (1969) 275 Cal. App. (2d) 499, 79 Cal. Rptr. 915.

Although the Charter requires that the Civil Service Commission shall recommend schedules of compensation solely on the basis of its survey of wages, it does not purport to bind the supervisors to ratify the schedule proposed by the commission by enacting it into ordinance. **San Francisco Chamber of Commerce v. City and County of San Francisco** (1969) 275 Cal. App. (2d) 499, 79 Cal. Rptr. 915.

The determining of prevailing wage rates is primarily for the legislative branch. **San Francisco Chamber of Commerce v. City and County of San Francisco** (1969) 275 Cal. App. (2d) 499, 79 Cal. Rptr. 915.

Where the Civil Service Commission schedule of compensation recommended an increase of 7½ percent or more for some employees, 5 percent for others, 2½ percent for others, and no increase for some, and where the Board of Supervisors amended the proposed schedule by enacting the salary ordinance with a 5 percent across-the-board increase, such salary ordinance was not invalid on the grounds it set rates that were so palpably unreasonable and arbitrary as to indicate an abuse of discretion as a matter of law. **San Francisco Chamber of Commerce v. City and County of San Francisco** (1969) 275 Cal. App. (2d) 499, 79 Cal. Rptr. 915.

The provision that "like compensation shall be paid for like service, based upon the classification as provided in section 141 of the Charter," is not in conflict with provision of Section 141 that "the allocation or re-allocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position." The latter provision is applied in all cases except where compliance therewith would adversely affect the salary and other civil service rights of incumbents regularly employed by the city. **Forstner v. City and County of San Francisco** (1966) 239 Cal. App. (2d), 516, 48 Cal. Rptr. 805.

Where the Civil Service Commission certified a contract rate in March, 1955, as required under § 151.3, and in June discovered a change in conditions placing the employees under § 151; rather than in § 151.3, it was too late to proceed under § 151 for that year because of the provision that the Board of Supervisors must adopt salary schedules not later than April 1. **Miller v. San Francisco** (1959) 174 Cal. App. (2d) 109, 344 Pac. (2d) 102.

The Board of Supervisors, in the salary standardization process, engages in a discretionary fact finding process which is legislative in character and therefore within the referendum process. **Collins v. San Francisco** (1952) 112 Cal. App. (2d) 719, 247 Pac. (2d) 362.

A salary standardization ordinance is a proper subject for referendum, although § 179 excludes from referendum those ordinances relative to purely administrative matters, and includes those involving legislative matters, since the Board of Supervisors in fixing salaries under this section acts in a legislative capacity. **Collins v. San Francisco** (1952) 112 Cal. App. (2d) 719, 247 Pac. (2d) 362.

In determining whether the method for fixing rates of pay for city employees under this section applies, or whether such rates are to be fixed in conformance with collective bargaining agreements as provided in § 151.3, the work actually being performed by the employee is the governing factor, not the classification under which they are hired. **Randall v. Wolff** (1950) 95 Cal. App. (2d) 795, 214 Pac. (2d) 58.

Annual vacations for municipal employees in the crafts and groups embraced by the provisions of § 151.3 relating to collective bargaining agreements were to be in accordance with those agreements and not as allowed municipal employees under the former provisions of this section (§ 151). **Adams v. San Francisco** (1949) 94 Cal. App. (2d) 586, 211 Pac. (2d) 368; 212 Pac. (2d) 272.

During an emergency this section may be superseded by emergency action by the mayor under § 25. **Mullins v. Henderson** (1946) 75 Cal. App. (2d) 117, 170 Pac. (2d) 118.

Emergency proclamations of the mayor under § 25 fixing the compensation of employees of a newly acquired street railway were not repealed by standardization and annual salary ordinances subsequently adopted under this section where they did not deal with the actual emergency, but were based on normal pay and were enacted as part of the ordinary financial machinery of the city, to become effective only after the emergency had passed. **Mullins v. Henderson** (1946) 75 Cal. App. (2d) 117, 170 Pac. (2d) 118.

The provision of this section that the compensation for municipal employees "shall be in accord with the generally prevailing rate of wages for like service and working conditions in private employment or in other comparable governmental organizations in this state," does not require that the rates of wages

recommended by the Civil Service Commission or fixed by the Board of Supervisors be identical with or not higher than the generally prevailing rates, but rather that there be a reasonable or just correspondence between the rates established and those elsewhere prevailing, i.e., that they be in harmony with and substantially conform to such other rates. **San Francisco v. Boyd** (1943) 22 Cal. (2d) 685, 140 Pac. (2d) 666.

There was a substantial compliance with the procedural requirements of this section where the Civil Service Commission made a survey of rates of wages paid in like employment for like service and where, although the Commission did not set forth in the official record of its proceedings all of the data obtained in its investigation or set forth an order making its findings as to the general prevailing rates, it did in formulating its recommendations have before it and consider all the facts collected in the survey, and it set forth a summary of wage recommendations and supporting data, which listed the present rate paid by the municipality, the prevailing union wages and appropriate prevailing wage for all the designated employees. **San Francisco v. Boyd** (1943) 22 Cal. (2d) 685, 140 Pac. (2d) 666.

Cited in **Los Angeles County Employees Asso. v. County of Los Angeles** (1976) 61 Cal. App. (3d) 926, 132 Cal. Rptr. 807.

8.401 STANDARDIZATION OF COMPENSATION.

The Board of Supervisors retains a considerable degree of discretion in establishing compensation pursuant to the "prevailing wage" mandate of §§ 8.400 and 8.401. Thus, the taxpayer's suit could not overturn a wage settlement enacted following strikes by teachers and other municipal employees, where it failed to sustain its considerable burden of demonstrating that upon no conceivable basis under all of the evidence could the salaries as fixed be brought within the Charter limitation. **San Francisco v. Cooper** (1975) 13 Cal. (3d) 898, 120 Cal. Rptr. 707, 534 Pac. (2d) 403.

Cited in **San Francisco v. Evankovich** (1977) 69 Cal. App. (3d) 41, 137 Cal. Rptr. 883.

8.403 STANDARDIZATION OF COMPENSATION.

The purpose of this section is to provide a standard for determining pay rates that will insure city civil service employees a wage scale commensurate with wages received by workers in the same field in private industry. **Thomlinson v. San Francisco** (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

The provision in this section calling for review of collective bargaining agreements in private industry as of July 1 and for the certification on or before the second Monday of July of any modification of rates established thereunder is to insure that rates of pay for city and county employees established by such private industry agreements for the new fiscal year shall be those actually prevailing on July 1. **Thomlinson v. San Francisco** (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

Though the provision of San Francisco Charter, § 151.3, making the wage rates of groups or crafts in private employment the standard for setting wage rates for groups or crafts employed by the city, protects civil service employees covered by it as to modifications of rates of pay in private industry between April 1 and July 1 of any year, the basic purpose of the section predominates, that is, that the employee shall be entitled to the rate of pay generally prevailing in private employment in San Francisco on July 1, whether that be more or less than that prevailing on or prior to April 1. **Thomlinson v. San Francisco** (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

Under this section the Civil Service Commission is required to certify the rate of pay generally prevailing in private employment in San Francisco to establish the wage scale for city and county employees and has the implied power to correct any error in certifying inapplicable rates. **Thomlinson v. San Francisco** (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

This section must be applied in a manner which is consonant with its objective and also fair and just, not only to the employees involved, but also to the general public. **Thomlinson v. San Francisco** (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

Where the Civil Service Commission had before it the different contracts between union and management covering maintenance machinists in private industry, together with rates of pay for different groups of employers, and conducted its surveys in a manner reasonably calculated to discover all facts that might bear significantly on the problem to be solved, it did not abuse its discretion under this section. **Miller v. San Francisco** (1959) 174 Cal. App. (2d) 109, 344 Pac. (2d) 102.

Where the Civil Service Commission certified a contract rate in March, 1955, as required under this section, and in June discovered a change in conditions placing the employees under § 151, rather than this section, it was too late to proceed under this section for that year because of the provision that the Board of Supervisors must adopt salary schedules not later than April 1. **Miller v. San Francisco** (1959) 174 Cal. App. (2d) 109, 344 Pac. (2d) 102.

Fixed monthly contributions for health and welfare purposes made by private employers under collective bargaining agreements are part of the employees' basic rate of pay, or take home pay, hence within the "rate of pay" provided for in this section for members of groups or crafts employed by the city. **Martin v. San Francisco** (1959) 168 Cal. App. (2d) 570 336 Pac. (2d) 239.

Where the city did not make health and welfare contributions on behalf of its groups or crafts that private employers made under collective bargaining agreements, and made deductions under § 172.1 for the city's health plan, city employees were not receiving the same take home pay as their counterparts in private industry, as required by this section; and employees were entitled to recover amounts deducted, adjusted to compensate for the difference in cost of like protection in the two systems plus an amount that would reasonably compensate for the broader coverage, if any, under the private system with credit to the city for contributions made under § 172.1.11. **Martin v. San Francisco** (1959) 168 Cal. App. (2d) 570, 336 Pac. (2d) 239.

Waivers, by employees, of collective bargaining provisions of ordinances enacted pursuant to this section are valid. **O'Sullivan v. City and County of San Francisco** (1956) 145 Cal. App. (2d) 415, 302 Pac. (2d) 688.

Retroactive application of this section to allow vacation payments to employees separated from employment with the city before the effective date of this section is a municipal affair and therefore not in violation of Const., Art. IV, §§ 31, 32, prohibiting gifts of public funds or grants of extra compensation. **Tevis v. San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d) 757.

This section is a direct limitation upon the wide discretion generally allowed the Board of Supervisors in computing wages and salaries. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

Both parts of this section, the earlier part and the portion relating specifically to municipal railway employees, are aimed at providing standards of compensation for particular groups of city employees and vary only as to the methods used in determining them. No distinction was intended between the use of the term "rate of pay" in the earlier part and "wages" and "wage schedules" in the second part, where "rate of pay" and "wages" are used interchangeably. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

This section cannot be construed as requiring the city officials, instead of attempting to effectuate any specific guarantee of hours for municipal railway employees, to assign a monetary value to such a benefit and average it with the wages stated in the schedules consulted. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

A guarantee as to minimum hours of work is a provision outside the scope of a charter section establishing a method of computing a basic "rate of pay" for employees; it does not affect the rate of an employee's pay, that is, the amount of compensation per unit of work, it deals only with the number of hours of work to which an employee may claim to be entitled. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

The wages of municipal railway employees cannot be fixed by the formula in the provision of this section that where there is established "a rate of pay . . . for groups or crafts through collective bargaining agreements with employers employing such groups or crafts, and such rate is recognized and paid throughout the industry, and the establishments employing such groups or crafts in San Francisco," the Civil Service Commission must certify to the Board of Supervisors the prevailing rates, for nearly all of the public transportation service in San Francisco has been performed by the municipal railway and accordingly there is no "prevailing rate of pay" established for street railway employees within the city and county. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

Computing wages of municipal railway employees under this section on the basis of wage schedules of other street railways in California does not require consideration of the guaranteed

minimum hour provisions of those schedules, for under § 150 payments of wages for such guaranteed minimum hours may not be made to an employee who did not work for that amount of time. It would be necessary in order to pay each employee for a minimum of eight hours, to revise the entire operating schedule to provide for such hours, and to revise it continually and at great effort and expense, a result not intended by the people in adopting a charter section. **Gowenlock v. Turner** (1954) 42 Cal. (2d) 296, 267 Pac. (2d) 310.

By a provision in this section that city employees are entitled to the same "rate of pay" as established by collective bargaining for groups and crafts in private employment is meant that if the private employee is entitled to a certain amount for a week's work so also is the city employee. **Sheehan v. San Francisco** (1954) 124 Cal. App. (2d) 769, 269 Pac. (2d) 678.

Where the city observes a holiday and thus prevents its employees from working, it cannot deduct the day from the pay of employees who are members of groups and crafts embraced by this section on the ground that such day is not one which is designated in the group or craft's collective bargaining agreement as a day off with pay. **Sheehan v. San Francisco** (1954) 124 Cal. App. (2d) 769, 269 Pac. (2d) 678.

Under § 151 which provides that the board may approve, amend or reject schedules of compensation proposed by the commission, and under this section which provides that a rate of pay fixed by the board shall be determined on the basis of rates of pay certified by the commission, the Charter is prescribing the manner in which the board shall exercise certain of its powers as contemplated by § 9. **Butler v. San Francisco** (1951) 104 Cal. App. (2d) 126, 231 Pac. (2d) 75.

The Board of Supervisors must comply with the procedural requirements and time limits prescribed in this section, and it is not the duty of the board, when amending the annual appropriation and salary ordinances on or before July 25 in any year, to fix the compensation of members of groups or crafts, at the rate established by bargaining agreements if such agreements are executed after the second Monday in July and prior to the adoption of the amendatory ordinances. **Butler v. San Francisco** (1951) 104 Cal. App. (2d) 126, 231 Pac. (2d) 75.

In determining whether rates of pay to city employees are to be fixed in conformance with collective bargaining agreements, as provided in this section, or whether the method under § 151 applies, the work actually being performed by the employee is the governing factor, not the classification under which they are hired. **Randall v. Wolff** (1950) 95 Cal. App. (2d) 795, 214 Pac. (2d) 58.

This section, providing for regulation of rates of pay of municipal employees in certain crafts or groups according to collective bargaining in private employment, does not govern the sick and disability leaves provided for municipal employees by § 153 of the Charter, Rule 32 of the Civil Service Commission, and Part 1, § 301, of the municipal code, since such leaves are not an element of the compensation of such employees. **Adams v. San Francisco** (1949) 94 Cal. App. (2d) 586, 221 Pac. (2d) 368, reh den 94 Cal. App. (2d) 597, 212 Pac. (2d) 272.

Annual vacations for municipal employees in the crafts and groups embraced by the provisions of this section relating to collective bargaining agreements were to be in accordance with those agreements and not as allowed municipal employees under the former provisions of § 151. **Adams v. San Francisco** (1949) 94 Cal. App. (2d) 586, 211 Pac. (2d) 368, reh den 94 Cal. App. (2d) 597, 212 Pac. (2d) 272.

The hiring and paying of municipal employees is a municipal affair, and a charter provision like this section is for the "government of San Francisco within Const. Art XI, § 8." **Adams v. Wolff** (1948) 84 Cal. App. (2d) 435, 190 Pac. (2d) 665.

This section is not an unconstitutional delegation of legislative power. **Adams v. Wolff** (1948) 84 Cal. App. (2d) 435, 190 Pac. (2d) 665.

The argument that this section has a viciousness that may have tremendous repercussions on city government generally, is not tenable in a court which is not concerned with the wisdom of the law. **Adams v. Wolff** (1948) 84 Cal. App. (2d) 435, 190 Pac. (2d) 665.

This section relates to "take home pay" of employees, and extends to premium pay for work on night shifts and pay for holidays. **Adams v. Wolff** (1948) 84 Cal. App. (2d) 435, 190 Pac. (2d) 665.

This section is not subject to objection on the ground that it is not one of the matters enumerated in Const. Art. XI, § 8 1/2. **Adams v. Wolff** (1948) 84 Cal. App. (2d) 435, 190 Pac. (2d) 665.

This section does not provide for collective bargaining by employees, or contravene the state policy precluding such bargaining by public corporations. *Adams v. Wolff* (1948) 84 Cal. App. (2d) 435, 190 Pac. (2d) 665.

This section does not violate Const. Art. XI, § 13, which is merely a restraint on the state legislature's interference with municipal affairs. *Adams v. Wolff* (1948) 84 Cal. App. (2d) 435, 190 Pac. (2d) 665.

In § 8.403, which requires the Civil Service Commission to review all collective bargaining agreements as of July 1 and to certify any modifications in rates established thereunder to the Board of Supervisors by the second Monday of July, the phrase "as of July 1" refers to the date upon which new rates under the agreements would become retroactively effective, rather than the date upon which the agreements would be executed and delivered to the commission, since the purpose of the ordinance is to ensure public employees a wage scale commensurate with wages received by workers in the same field in private industry as of July 1, since the framers clearly used the term "on or before" in fixing the precise procedural time limits, and since the Civil Service Commission has interpreted the phrase as referring to the effective, rather than the delivery, date. *Kallian v. San Francisco* (1978) 77 Cal. App. (3d) 1, 143 Cal. Rptr. 430.

8.403 COMPENSATION FOR REGISTERED NURSE CLASSIFICATIONS.

The invalidity of the dental plan provision of the ordinance, however, does not taint the remainder of the legislation. Section XII of the ordinance is clearly distinct and severable from the salary schedule authorized by the ordinance; the taxpayer does not contend otherwise. *City and County of San Francisco v. Cooper* ().

8.404 COMPENSATION OF PLATFORM EMPLOYEES AND COACH AND BUS OPERATORS OF THE MUNICIPAL RAILWAY.

The interpretation of a Charter provision is a proper matter for declaratory relief. *Squire v. City and County of San Francisco* (1970) 12 Cal. App. (3d) 974, 91 Cal. Rptr. 347.

Rules of statutory construction are applied to the interpretation of Charter provisions, and the language of a Charter must be given its plain meaning. *Squire v. City and County of San Francisco* (1970) 12 Cal. App. (3d) 974, 91 Cal. Rptr. 347.

The term "wage schedule" as used in this section refers to a printed list containing hourly wages to be paid to municipal railway operators; and the amounts included in such a list must necessarily be fixed and certain. *Squire v. City and County of San Francisco* (1970) 12 Cal. App. (3d) 974, 91 Cal. Rptr. 347.

This section makes no provision for quarterly cost-of-living adjustments based on the movements of a Consumer Price Index. *Squire v. City and County of San Francisco* (1970) 12 Cal. App. (3d) 974, 91 Cal. Rptr. 347.

The definition of a "wage schedule" as used in this section includes only the maximum rate of pay provided in each such wage schedule, and does not include cost-of-living adjustments that may be added to the rate of pay pursuant to other sections of a collective bargaining agreement. *Squire v. City and County of San Francisco* (1970) 12 Cal. App. (3d) 974, 91 Cal. Rptr. 347.

The purpose of this section is to permit the municipal railway operators to catch up with other employees generally in their fringe benefits. *Squire v. City and County of San Francisco* (1970) 12 Cal. App. (3d) 974, 91 Cal. Rptr. 347.

Mandamus is a proper remedy to compel city officials to perform their Charter prescribed duties; and where these duties are continuing ones, the writ may be directed to future actions. *Squire v. City and County of San Francisco* (1970) 12 Cal. App. (3d) 974, 91 Cal. Rptr. 347.

Cited in *Tripp v. Swoap* (1976) 17 Cal. (3d) 671, 131 Cal. Rptr. 789, 552 Pac. (2d) 749.

8.405 DEPARTMENTS UNDER MAYOR—POLICE DEPARTMENT.

Longevity pay rates of Los Angeles which were not automatic but were contingent upon certification that one's standard of service was satisfactory and were declared to be a privilege earned by merit and not a right were not a "basic amount of wages" as the term is used in the governing definition of "rates of compensation" expressed in this section. *Hegarty v. Sohr* (1961) 190 Cal. App. (2d) 509, 12 Cal. Rptr. 210.

8.405 DEPARTMENTS UNDER THE MAYOR—FIRE DEPARTMENT.

Longevity pay rates of Los Angeles which were not automatic but were contingent upon certification that one's standard of service was satisfactory and were declared to be a privilege earned by merit and not a right were not a "basic amount of wages" as the term is used in the governing definition of "rates of compensation" expressed in this section. *Hegarty v. Sohr* (1961) 190 Cal. App. (2d) 509, 12 Cal. Rptr. 210.

Retirement benefits which are "otherwise provided" for in city charter are outside the salary guideline section and thus are not included in meaning of "basic amount of wages" or "rates of compensation" to calculate salary for purposes of section 8.405 of city charter providing that city employees' salaries should be determined by and based upon prevailing wages of like positions in certain other defined communities. *San Francisco Firefighters AFL-CIO v. Civil Service Commission of the City and County of San Francisco* (1987) 191 Cal. App. 3d 919, 236 Cal. Rptr. 713.

8.405 COMMISSION.

Although the power to fix the compensation of municipal employees is vested in the Board of Supervisors, this power, by the broad terms of § 3.100, may be suspended in an emergency. *Verreos v. San Francisco* (1976) 63 Cal. App. (3d) 86, 133 Cal. Rptr. 649.

8.406 SALARY DEDUCTIONS.

The fact that employees may be paid out of a bond fund or other special fund does not exclude them from the operation of this section. *Snell v. Byington* (1934) 2 Cal. App. (2d) 127, 37 Pac. (2d) 734.

Employees of the Hetch Hetchy Project Department, working outside San Francisco on aqueduct and tunnel construction, were subject to the provisions of this section and to the resolution of the Board of Supervisors reducing the compensation of officers and employees as therein provided. *Snell v. Byington* (1934) 2 Cal. App. (2d) 127 37 Pac. (2d) 734.

Under the provision of this section that pending adoption of salary standards, the salary and wage rates for positions subject to standardization shall be as recommended by the appointing powers and fixed by the budget and salary ordinance, it is the budget and salary ordinance that controls compensations, rather than the recommendation of the appointing power. *Banks v. Civil Service Commission* (1937) 10 Cal. (2d) 435, 74 Pac. (2d) 731.

The proviso of this section that any compensation paid as of January 1, 1931 to an incumbent who legally held a position in the city and county service at that time, shall not be reduced so long as such incumbent legally holds such position. Read in the light of the entire section, prohibits a reduction in wage rate, but not in the number of hours or days of employment. *Weigle v. San Francisco* (1937) 23 Cal. App. (2d) 274, 72 Pac. (2d) 902.

From §§ 71-73, 151, the power to fix compensation for officers (other than those whose compensation is expressly fixed in the Charter) and employees is in the Board of Supervisors. The Public Utilities Commission did not have authority to reduce the compensation of the manager of the airport employed prior to the effective date of the Charter. *Francis v. Leavy* (1933) 131 Cal. App. 620, 21 Pac. (2d) 979.

8.407 DEFINITION OF GENERALLY PREVAILING RATES OF WAGES.

Striking down "assassination survivorship fund" as benefit of employment granted without voter approval. *CCCCSF v. Callahan* (1985) 169 Cal. App. (3d) 643.

Fact that some cities paid city employees' require retirement contributions for them did not convert such payments into "basic amount of wages" for purpose of city charter section 8.407's standard that wages of employees should be based on prevailing wages of like positions in certain defined communities based on salary survey. "Basic rate of wage" under this section authorizing firefighters salaries to be determined by and based upon prevailing wage of like positions in certain other comparable communities does not include "fringe benefits" in basic rate of wage. *San Francisco Firefighters v. Civil Service Commission of the City and County of San Francisco* (1987) 191 Cal. App. 3d 919, 236 Cal. Rptr. 713.

Meet and confer provisions of Meyers-Milas-Brown Act do not prevent voters of San Francisco from adopting charter section 8.407 requiring voter approval of any addition, deletion, or modification of city employee

benefits. **United Public Employees Local 390/400, SEIU, AFL-CIO v. City and County of San Francisco** (1987) 190 Cal. App. 3d 419, Ed. Law Rep. 272, 235 Cal. Rptr. 477.

8.420 ESTABLISHMENT OF AND MEMBERSHIP IN HEALTH SERVICE SYSTEM.

Under §§ 8.420, 8.421, 8.422, and 8.430, the city's health service system was intended to encompass dental care plans. Accordingly, the part of an ordinance which purported to establish a city-financed dental plan by the Board of Supervisors was invalid. **San Francisco v. Cooper** (1975) 13 Cal. (3d) 898, 120 Cal. Rptr. 707, 534 Pac. (2d) 403.

8.421 CONTINUATION OF EXISTING PLANS.

Under §§ 8.420, 8.421, 8.422, and 8.430, the city's health service system was intended to encompass dental care plans. Accordingly, the part of an ordinance which purported to establish a city-financed dental plan by the Board of Supervisors was invalid. **San Francisco v. Cooper** (1975) 13 Cal. (3d) 898, 120 Cal. Rptr. 707, 534 Pac. (2d) 403.

8.422 ADOPTION OF PLANS.

Under §§ 8.420, 8.421, 8.422, and 8.430, the city's health service system was intended to encompass dental care plans. Accordingly, the part of an ordinance which purported to establish a city-financed dental plan by the Board of Supervisors was invalid. **San Francisco v. Cooper** (1975) 13 Cal. (3d) 898, 120 Cal. Rptr. 707, 534 Pac. (2d) 403.

8.426 RIGHT OF SELECTION.

Section 8.426 which provides that for the purposes of the Health Service System the term "physician" includes "dentist," buttresses the conclusion that the Charter provisions vest the Health Service Board with exclusive jurisdiction to initiate a city-financed dental plan. **San Francisco v. Cooper** (1975) 13 Cal. (3d) 898, 120 Cal. Rptr. 707, 534 Pac. (2d) 403.

8.430. "MEDICAL CARE" DEFINED.

Under §§ 8.420, 8.421, 8.422, and 8.430, the city's health service system was intended to encompass dental care plans. Accordingly, the part of an ordinance which purported to establish a city-financed dental plan by the Board of Supervisors was invalid. **San Francisco v. Cooper** (1975) 13 Cal. (3d) 898, 120 Cal. Rptr. 707, 534 Pac. (2d) 403.

8.440 ANNUAL VACATION OF EMPLOYEES.

The city improperly denied "school term" employees full-paid vacations as provided by § 8.440, even though the work assignments of such employees, who were not teachers, did not cover the summer, Christmas, and Easter school vacation periods, and during such periods the employees were in a "nonpay status," where the employees were not separated from school service, nor rehired as new employees when school resumed, and were therefore in continuous service pursuant to a city ordinance defining such service in terms of lack of permanent separation from service. **Civil Service Asso. v. San Francisco** (1978) 79 Cal. App. (3d) 540, 144 Cal. Rptr. 895.

8.440 VACATIONS FOR PER DIEM WORKERS.

This section by its express terms provides that it shall have some retroactive application, and hence vacation pay is properly granted to city employees who left the city service shortly prior to passage of this section. **Boyer v. County of Contra Costa** (1965) 235 Cal. App. (2d) 111, 45 Cal. Rptr. 58.

The clear purpose of subsection (c) of this section is to validate payments made for vacations to which employees were not entitled under collective bargaining agreements and to authorize the city to pay for vacation time in employment where, because of such agreements, no vacation pay was allowed. **Tevis v. San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d) 757.

The right of employees to receive accumulated vacation pay under this section accruing on the effective date, September 26, 1950, the legal liability of the City and County for payment should have been treated as an obligation for the fiscal year 1950-1951. **Tevis v. San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d) 757.

Rights to vacation pay under this section to employees separated from employment prior to the effective date of this section are not barred by the provision in § 150 that no officer or employee shall be paid for a greater time than that covered by his actual service, for the intent to make such payment is clear from this section which, being later in time, would control the earlier provision. **Tevis v. San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d) 757.

In fixing the method in which vacations are to be computed, the reference in this section to section 37.5 of Part 1 of the Municipal Code, which allows an annual vacation to an employee "as long as he remains in the City and County service," does not mean that separation from service should in any way affect an employee's right to receive pay for accrued vacation rights; it is unreasonable to conclude that the framers of the Charter amendment, by reference to sections of the Municipal Code dealing with vacations, intended to make continued service a condition precedent to receiving payment of vacation pay as a reward for services previously performed. **Tevis v. San Francisco** (1954) 43 Cal. (2d) 190, 272 Pac. (2d) 757.

8.507 MISCELLANEOUS OFFICERS AND EMPLOYEES.

Since this section and § 165.2 both require employees to be members of the retirement system and there is no provision in either section permitting over-age persons to become members, such persons are not eligible for city employment under charter provisions alone. **Acton, Heil, Brooks v. Henderson (Three cases)** (1957) 150 Cal. App. (2d) 1,309 Pac. (2d) 481.

most that in the legal sense the cause of his death was the over-exertion or excitement caused by the altercation. **Cooper v. Retirement Board of San Francisco** (1955) 131 Cal. App. (2d) 804, 281 Pac. (2d) 349.

The purpose of this section was to enlarge the rights of widows of firemen killed in line of duty. **Carey v. Retirement Board of San Francisco** (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25 (disapproved on unrelated point, **Abbott v. Los Angeles**, 50 Cal. (2d) 438, 326 Pac. (2d) 484).

The phrase "in lieu of," as used in this section means "instead of," "in place of," "in substitution for." This section impliedly repeals Section 169(b), therefore, and provides the sole method of compensation for widows of firemen who die from injuries received in line of duty. **Carey v. Retirement Board of San Francisco** (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25 (overruled in **So. Cal.** (2d) 438, 453, 326 Pac. (2d) 484).

Cited in **Mahoney v. San Francisco City, etc. Employee's Retirement Board** (1973) 30 Cal. App. (3d) 1, 106 Cal. Rptr. 94.

8.585-1 DEFINITIONS.

The term "compensation" in Section 8.585-1, when read together with Section 8.585-10, does exclude from the compensation for service retirement qualification the period during which an employee is absent from duty but receiving disabled benefits. **San Francisco Firefighters v. Retirement Bd.** (1983) 193 Cal.App. (3d) 604, 192 Cal.Rptr. 62.

9.100 ELECTIVE OFFICERS IN TERMS.

The provision in this section requiring automatic forfeiture of the position of any appointive city and county employee who becomes a candidate for election to any public office is unconstitutional in its entirety for overbreadth, which cannot be eliminated by the severance of any language, since the provision relates alike to all public offices, whether they be partisan or nonpartisan in character and whether they be San Francisco offices or national or state offices, and there is shown no compelling need to restrict the fundamental right involved on such a sweeping scale. **Kinnear v. San Francisco** (1964) 61 Cal. (2d) 341, 392 Pac. (2d) 391, 38 Cal. Rptr. 631.

9.102 REGISTRAR OF VOTERS.

Reference to the other provisions of the charter in section 173 of the 1932 charter reflects the administrative control over the registrar that was conferred on the chief administrative officer. **Diamond International Corp. v. Boas** (1979) 92 Cal. App. (3d) 1030, 155 Cal. Rptr. 627.

9.103 MUNICIPAL ELECTIONS.

Election Code provisions concerning ballot arguments applied to San Francisco, even though San Francisco was charter city and county with plenary authority over conduct of local elections under section 8.103. **Patterson v. Board of Supervisors** (1988) 202 Cal. App. 3d 22, 248 Cal. Rptr. 253.

9.108 INITIATIVE, REFERENDUM, AND RECALL.

Cited in **Verreos v. San Francisco** (1976) 63 Cal. App. (3d) 86, 133 Cal. Rptr. 649.

Cited in **Clark v. Patterson** (1977) 68 Cal. App. (3d) 329, 137 Cal. Rptr. 275 (concerning the right of the Board of Supervisors to withdraw propositions from the ballot).

The regulation of the charter amendment process is a matter of statewide concern governed exclusively by general laws which supersede conflicting provisions in a city and county charter. Accordingly, insofar as §§ 9.108 and 9.111 purport to authorize and establish different procedures regulating charter amendments by the initiative process, they are invalid. **District Election of Supervisors Committee for 5% v. O'Connor** (1978) 78 Cal. App. (3d) 261, 144 Cal. Rptr. 442.

An ordinance may be proposed for referendum by one-third of the supervisors or by the mayor; in the latter event a special election cannot be called and the measure will be submitted to the electors only at the next succeeding general election. **O'Connor v. Superior Court** (1979) 90 Cal. App. 112, 153 Cal. Rptr. 308.

Charter Section 9.108(a) allowing one-third of supervisors to propose ballot measures contemplated supervisors' independent action, rather than concerted action by board, and thus supervisors may propose

ordinance to electorate without first complying with California Environmental Quality Act or open meeting provisions of Ralph M. Brown Act and City Charter.

Municipal Charter section 9.108(a) allowing one-third of supervisors to propose ballot measures was not pre-empted by state environmental impact and open-meeting statutes absent showing of conflict; activity authorized by charter was exempt from scope of statutes.

Ballot measure proposed by one-third of supervisors pursuant to City Charter section 9.108(a) was not subject to requirement under section 7.501 of City Charter that certain ordinances be submitted to City's Planning Commission; supervisors acted independently of board and Planning Commission was required to review only proposals adopted by board.

A ballot measure proposed under section 9.108(a) may not force the City Planning Commission to amend the master plan, since the Commission's Charter prerogatives may not be changed or limited by municipal ordinances. **Residential Builders Association of San Francisco v. City and County of San Francisco**, (1989) 259 Cal. App. 610, ordered not published.

9.109 PETITIONS.

Cited in **Clark v. Patterson** (1977) 68 Cal. App. (3d) 329, 137 Cal. Rptr. 275.

9.111 TIME OF ELECTION.

The regulation of the charter amendment process is a matter of statewide concern governed exclusively by general laws which supersede conflicting provisions in a city and county charter. Accordingly, insofar as §§ 9.108 and 9.111 purport to authorize and establish different procedures regulating charter amendments by the initiative process, they are invalid. **District Election of Supervisors Committee for 5% v. O'Connor** (1978) 78 Cal. App. (3d) 261, 144 Cal. Rptr. 442.

9.112 MATERIAL ON MEASURES MAILED TO VOTERS.

The limited public forum established in accordance with the provisions of the Elections Code and section 9.112 of the city charter as a channel of a communication for the discussion of electoral positions does not impermissibly encroach upon protected first amendment rights. **Patterson v. Board of Supervisors** (1988) 202 Cal. App. 3d 22, 248 Cal. Rptr. 253.

10.100 ACTION BY RESOLUTION OR ORDINANCE.

Cited in **Mekin v. Steveland, Inc.** (1977) 68 Cal. App. (3d) 490, 137 Cal. Rptr. 359.

Appendixes

ORDINANCE PROVIDING FOR THE REGULATION OF TAXICABS AND OTHER MOTOR VEHICLES FOR HIRE (Appendix F)

§ 4, Subd. (b)

§ 1, Subd. (a)

A taxicab permit is a privilege to do a business, not a property right. Thus, under this ordinance wife has no right to her deceased husband's taxicab permit. Upon the death of husband permit was automatically revoked and did not pass to her by operation of law as community property. **Pasquini v. Superior Court**, Case No. AO44121, Super. Ct. No. 890185, ordered not published.

PLANNING INITIATIVE (Appendix L)

City Charter section 9.108(a) allowing one-third of supervisors to propose ballot measures contemplated supervisors' independent action, rather than concerted action by board, and thus supervisors may propose ordinance to electorate without first complying with California Environmental Quality Act or open meeting provisions of Ralph M. Brown Act and City Charter.

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generally 7.503

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SUPPLEMENT NO. 35

DOCUMENTS DEPT.

UPDATE SHEET
Showing Latest Amendments for the

DEC 13 1995

SAN FRANCISCO CHARTERSAN FRANCISCO
PUBLIC LIBRARY**December, 1995**

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	10/13/95 and Election of 11/7/95	319-95 and Election of 11/7/95		✓
BUILDING*	6/30/95	210-95	✓	
CHARTER	11/7/95	Election of 11/7/95		✓
ELECTRICAL*	6/24/91	269-91	✓	
FIRE*	8/25/95	283-95		✓
HEALTH	8/4/95	253-95		✓
HOUSING	5/19/95	165-95	✓	
MECHANICAL*	6/4/92	159-92	✓	
PARK	11/4/94	370-94	✓	
PART III	10/13/95	322-95		✓
PLANNING	10/6/95	314-95		✓
TEMP. LAND USE CONTROLS	11/1/95	590-94		✓
PLUMBING*	11/18/94	387-94	✓	
POLICE	10/20/95	328-95		✓
PUBLIC WORKS	5/19/95	165-95		✓
SUBDIVISION	12/23/94	428-94	✓	
TRAFFIC	9/1/95	291-95		✓

As of this Supplement No. 35, all codes are current through ordinances approved October 20, 1995, and the Election of November 11, 1995.

** This code is being republished; see reverse side for details.*

Filing Instructions: Retain this Update Sheet at the front of your Code.

New editions of the following publications will be available soon. Please call us toll-free, 1-800-537-7881, for further details and ordering information for these or any of our other San Francisco publications:

1995 San Francisco Building Code

1995 San Francisco Electrical Code

1995 San Francisco Fire Code

1995 San Francisco Mechanical Code

1995 San Francisco Plumbing Code

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SUPPLEMENT NO. 34

UPDATE SHEET
Showing Latest Amendments for the
SAN FRANCISCO CHARTER

September, 1995

DOCUMENTS DEPT.

SEP 22 1995

SAN FRANCISCO
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This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	7/7/95	237-95		✓
BUILDING	6/30/95	210-95		✓
CHARTER	11/8/94	Election of 11/8/94	✓	
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93	✓	
HEALTH	6/2/95	181-95		✓
HOUSING	5/19/95	165-95		✓
MECHANICAL	6/4/92	159-92	✓	
PARK	11/4/94	370-94	✓	
PART III	7/7/95	240-95		✓
PLANNING	6/2/95	180-95		✓
TEMP. LAND USE CONTROLS	8/1/95			✓
PLUMBING	11/18/94	387-94	✓	
POLICE	6/30/95	213-95		✓
PUBLIC WORKS	5/19/95	165-95		✓
SUBDIVISION	12/23/94	428-94	✓	
TRAFFIC	4/7/95	82-95	✓	

**As of this Supplement No. 34, all codes are current through ordinances
approved July 7, 1995.**

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SUPPLEMENT NO. 33

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

June, 1995

DOCUMENTS DEPT.

JUN 26 1995

SAN FRANCISCO
PUBLIC LIBRARY

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the buff Update Sheet for Supplement No. 32.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	4/21/95	102-95		✓
BUILDING	10/19/94	359-94	✓	
CHARTER	11/8/94	Election of 11/8/94	✓	
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93	✓	
HEALTH	12/16/94	411-94	✓	
HOUSING	10/19/94	361-94	✓	
MECHANICAL	6/4/92	159-92	✓	
PARK	11/4/94	370-94	✓	
PART III	4/14/95	92-95		✓
PLANNING	1/20/95	17-95		✓
TEMP. LAND USE CONTROLS	5/1/95			✓
PLUMBING	11/14/94	387-94	✓	
POLICE	12/30/94	451-94	✓	
PUBLIC WORKS	11/23/94	393-94	✓	
SUBDIVISION	12/23/94	428-94	✓	
TRAFFIC	4/7/95	82-95		✓

As of this Supplement No. 33, all codes are current through ordinances approved April 21, 1995.

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SUPPLEMENT NO. 32

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE March, 1995

DOCUMENTS DEPT.
APR 14 1995
SAN FRANCISCO
PUBLIC LIBRARY

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the pink Update Sheet for Supplement No. 31.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	1/13/95	2-95		✓
BUILDING	10/19/94	359-94		✓
CHARTER	11/8/94	Election of 11/8/94		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93	✓	
HEALTH	12/16/94	411-94		✓
HOUSING	10/19/94	361-94		✓
MECHANICAL	6/4/92	159-92	✓	
PARK	11/4/94	370-94		✓
PART III	1/13/95	9-95		✓
PLANNING	12/23/94	413-94		✓
TEMP. LAND USE CONTROLS	2/1/95			✓
PLUMBING	11/14/94	387-94		✓
POLICE	12/30/94	451-94		✓
PUBLIC WORKS	11/23/94	393-94		✓
TRAFFIC	12/2/94	405-94		✓
SUBDIVISION	12/23/94	428-94		✓

As of this Supplement No. 32, all codes are current through ordinances approved
January 13, 1995.

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SUPPLEMENT NO. 32

INSERTION GUIDE DOCUMENTS DEPT.

SAN FRANCISCO CHARTER

March, 1995

APR 14 1995

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(Covering Amendments through November 8, 1994)

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Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (pink) Update Sheet (buff)

TEXT

CH-98.1—CH-98.2	CH-98.1—CH-98.2a
CH-163—CH-164/CH-166	CH-163—CH-164/CH-166
CH-175—CH-176	CH-175—CH-176.1

SUPPLEMENT NO. 31**UPDATE SHEET****Showing Latest Amendments for the** DOCUMENTS DEPT.**SAN FRANCISCO MUNICIPAL CODE****DEC 27 1994****December, 1994**SAN FRANCISCO
PUBLIC LIBRARY

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the yellow Update Sheet for Supplement No. 30.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	9/30/94	334-94 and Election of 11/8/94		✓
BUILDING	9/30/94	335-94		✓
CHARTER	11/8/94	Election of 11/8/94		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93	✓	
HEALTH	7/7/94	249-94	✓	
HOUSING	1/14/94	31-94	✓	
MECHANICAL	6/4/92	159-92	✓	
PARK	5/5/88	192-88	✓	
PART III	10/7/94	339-94		✓
PLANNING	8/2/94	285-94		✓
TEMP. LAND USE CONTROLS	11/1/94			✓
PLUMBING	6/4/92	158-92	✓	
POLICE	8/4/94	291-94		✓
PUBLIC WORKS	1/14/94	29-94	✓	
TRAFFIC	9/30/94	336-94		✓
SUBDIVISION	12/23/93	418-93	✓	

As of this Supplement No. 31, all codes are current through ordinances approved October 7, 1994, and the Election of November 11, 1994.

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SUPPLEMENT NO. 31

INSERTION GUIDE

SAN FRANCISCO CHARTER

December, 1994

DOCUMENTS DEPT.

DEC 27 1994

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(Covering Amendments through November 8, 1994)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (yellow)	Update Sheet (pink) ✓
Title Page	Title Page ✓

TEXT

CH-i—CH-xvi	CH-i—CH-xvi ✓
CH-66.13	CH-66.13—CH-66.17 ✓
CH-131—CH-132.1	CH-131—CH-132.1 ✓
CH-161—CH-166	CH-161—CH-164/CH-166 ✓
CH-175—CH-178.7	CH-175—CH-178.6 ✓
CH-188.1	CH-188.1—CH-188.2 ✓
CH-321	CH-321 ✓
---	CH-366.41—CH-366.57 ✓

INDEX

INDEX CH-1—INDEX CH-12	INDEX CH-1—INDEX CH-12.1 ✓
INDEX CH-15—INDEX CH-18	INDEX CH-15—INDEX CH-16/INDEX CH-18 ✓
INDEX CH-22.1—INDEX CH-24	INDEX CH-23—INDEX CH-24 ✓
INDEX CH-27—INDEX CH-32	INDEX CH-27—INDEX CH-32 ✓
INDEX CH-40.1—INDEX CH-46	INDEX CH-41—INDEX CH-46 ✓
INDEX CH-49	INDEX CH-49 ✓

SUPPLEMENT NO. 30

UPDATE SHEET
Showing Latest Amendments for the
SAN FRANCISCO MUNICIPAL CODE

September, 1994

DOCUMENTS DEPT.

SEP 20 1994

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This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the salmon Update Sheet for Supplement No. 29.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	7/7/94	248-94		✓
BUILDING	6/9/94	228-94		✓
CHARTER	6/7/94	Election of 6/7/94	✓	
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93	✓	
HEALTH	7/7/94	249-94		✓
HOUSING	1/14/94	31-94	✓	
MECHANICAL	6/4/92	159-92	✓	
PARK	5/5/88	192-88	✓	
PART III	7/21/94	263-94		✓
PLANNING	7/15/94 and 8/2/94	262-94 and 285-94		✓
TEMP. LAND USE CONTROLS	8/1/94			✓
PLUMBING	6/4/92	158-92	✓	
POLICE	2/25/94	91-94 and the Election of 6/7/94	✓	
PUBLIC WORKS	1/14/94	29-94	✓	
TRAFFIC	6/24/94	241-94		✓
SUBDIVISION	12/23/93	418-93	✓	

**As of this Supplement No. 30, all codes are current
through ordinances approved July 21, 1994, including
one ordinance approved August 2, 1994.**

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UPDATE SHEET

JUN 30 1994

Showing Latest Amendments for the

SAN FRANCISCO MUNICIPAL CODE

SAN FRANCISCO
PUBLIC LIBRARY

June, 1994

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the buff Update Sheet for Supplement No. 28.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	4/5/94	140-94		✓
BUILDING	12/2/93	377-93	✓	
CHARTER	6/7/94	Election of 6/7/94		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93	✓	
HEALTH	11/18/93	359-93	✓	
HOUSING	1/14/94	31-94		✓
MECHANICAL	6/4/92	159-92	✓	
PARK	5/5/88	192-88	✓	
PART III	12/23/93	419-93	✓	
PLANNING	4/1/94	132-94		✓
TEMP. LAND USE CONTROLS	5/1/94			✓
PLUMBING	6/4/92	158-92	✓	
POLICE	2/25/94	91-94 and the Election of 6/7/94		✓
PUBLIC WORKS	1/14/94	29-94	✓	
TRAFFIC	4/13/94	156-94		✓
SUBDIVISION	12/23/93	418-93	✓	

As of this Supplement No. 29, all codes are current through ordinances approved March 13, 1994, and the Election of June 7, 1994.

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SUPPLEMENT NO. 29

DOCUMENTS DEPT.

JUN 30 1994

INSERTION GUIDE

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO CHARTER

June, 1994

(Covering Amendments through June 7, 1994)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (buff)	Update Sheet (salmon)
Title Page	Title Page

TEXT

CH-v CH-xiv	CH-v CH-xvi
CH-30.1	CH-30.1
CH-75 CH-76	CH-75 CH-76.1
CH-98.3	CH-98.3 CH-98.4
CH-203 CH-204.1	CH-203 CH-204.1
CH-249 CH-250	CH-249 CH-250
CH-285 CH-286	CH-285 CH-286
CH-295 CH-296	CH-295 CH-296
CH-303 CH-304	CH-303 CH-304
CH-321	CH-321
---	CH-366.39—CH-366.40

INDEX

INDEX CH-3 INDEX CH-6	INDEX CH-3 INDEX CH-6
INDEX CH-9 INDEX CH-12	INDEX CH-9 INDEX CH-12
INDEX CH-21 INDEX CH-22	INDEX CH-21 INDEX CH-22.1
INDEX CH-25 INDEX CH-26	INDEX CH-25 INDEX CH-26
INDEX CH-33 INDEX CH-34	INDEX CH-33 INDEX CH-34

SUPPLEMENT NO. 28

UPDATE SHEET

Showing Latest Amendments for the

SAN FRANCISCO MUNICIPAL CODE

March, 1994

DOCUMENTS DEPT.

MAR 22 1994

SAN FRANCISCO

LIBRARY

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the pink Update Sheet for Supplement No. 27.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	1/21/94	29-94		✓
BUILDING	12/2/93	377-93		✓
CHARTER	11/2/93	Election of 11/2/93		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93	✓	
HEALTH	11/18/93	359-93		✓
HOUSING	1/14/94	31-94		✓
MECHANICAL	Published 5/93; See other side for details.			
PARK	5/5/88	192-88	✓	
PART III	12/23/93	419-93		✓
PLANNING	12/23/93	404-93		✓
TEMP. LAND USE CONTROLS	2/1/94			✓
PLUMBING	Published 5/93; See other side for details.			
POLICE	11/18/93	364-93		✓
PUBLIC WORKS	1/14/93	29-94		✓
TRAFFIC	1/21/94	48-94		✓
SUBDIVISION	12/23/93	418-93		✓

As of this Supplement No. 28, all codes are current through ordinances approved January 21, 1994.

**New editions of the following publications will be available soon.
Please call us toll-free, 1-800-537-7881, for further details and ordering
information for these or any of our other San Francisco publications:**

1992 San Francisco Fire Code, effective 1/15/93

1992 San Francisco Housing Code, effective 6/4/92

1992 San Francisco Mechanical Code, effective 7/1/92

1992 San Francisco Plumbing Code, effective 7/1/92

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SUPPLEMENT NO. 28

INSERTION GUIDE

SAN FRANCISCO CHARTER

March, 1993

DOCUMENTS DEPT
MAR 22 1994
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(Covering Amendments through November 2, 1993)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages	Insert Pages
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Update Sheet (pink)	Update Sheet (buff) ✓
Title Page	Title Page ✓

TEXT

CH-207—CH-208	CH-207—CH-208 ✓
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SUPPLEMENT NO. 27

UPDATE SHEET

Showing Latest Amendments for the

SAN FRANCISCO MUNICIPAL CODE

December, 1993

DOCUMENTS DEPT.

JAN 14 1994

SAN FRANCISCO

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This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the yellow Update Sheet for Supplement No. 26.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	11/2/93	Election of 11/2/93		✓
BUILDING	9/10/93	289-93		✓
CHARTER	11/2/93	Election of 11/2/93		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/22/93	234-93		✓
HEALTH	7/16/93	225-93		✓
HOUSING	5/7/93	129-93	✓	
MECHANICAL	Published 5/93; See other side for details.			
PARK	5/5/88	192-88	✓	
PART III	8/25/93	273-93		✓
PLANNING	8/25/93	272-93		✓
TEMP. LAND USE CONTROLS	11/1/93			✓
PLUMBING	Published 5/93; See other side for details.			
POLICE	8/10/93	258-93		✓
PUBLIC WORKS	7/16/93	236-93		✓
TRAFFIC	8/10/93	259-93		✓
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 27, all codes are current through ordinances approved September 10, 1993, and the Election of November 2, 1993.

**New editions of the following publications will be available soon.
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information for these or any of our other San Francisco publications:**

1992 San Francisco Fire Code, effective 1/15/93

1992 San Francisco Housing Code, effective 6/4/92

1992 San Francisco Mechanical Code, effective 7/1/92

1992 San Francisco Plumbing Code, effective 7/1/92

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SUPPLEMENT NO. 27

INSERTION GUIDE

SAN FRANCISCO CHARTER

December, 1993

DOCUMENTS DEPT.

JAN 14 1994

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(Covering Amendments through November 2, 1993)

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Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (yellow)	Update Sheet (pink)
Title Page	Title Page

TEXT

CH-i—CH-x	CH-i—CH-x.2
CH-xiii—CH-xiv	CH-xiii—CH-xiv
CH-3—CH-4	CH-3—CH-4.1
CH-11—CH-14	CH-11—CH-14
CH-16.1—CH-18	CH-17—CH-18.2
CH-23—CH-26	CH-23—CH-26.1
CH-33—CH-36	CH-33—CH-36
CH-45—CH-54	CH-45—CH-53
CH-57—CH-62	CH-57—CH-62.3
CH-66.2a—CH-66.3	CH-66.3—CH-66.13
CH-75—CH-76	CH-75—CH-76
CH-79—CH-80	CH-79—CH-80
CH-83—CH-84	CH-83—CH-84
CH-89—CH-94	CH-89—CH-94.1
CH-99—CH-102	CH-99—CH-102
CH-127—CH-132	CH-127—CH-132.1
CH-153—CH-156	CH-153—CH-156
CH-179—CH-180	CH-179—CH-180
CH-306.1—CH-316	CH-307—CH-315

Remove Pages

Insert Pages

CH-321	CH-321
CH-355—CH-356	CH-355—CH-356
---	CH-366.35—CH-366.37

INDEX

INDEX CH-3—INDEX CH-16.1	INDEX CH-3—INDEX CH-15
INDEX CH-19—INDEX CH-32.1	INDEX CH-19—INDEX CH-32
INDEX CH-35—INDEX CH-40	INDEX CH-35—INDEX CH-40.1
INDEX CH-43—INDEX CH-50	INDEX CH-43—INDEX CH-49

SUPPLEMENT NO. 26

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

September, 1993

DOCUMENTS DEPT.
SEP 28 1993
SAN FRANCISCO
PUBLIC LIBRARY

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the salmon Update Sheet for Supplement No. 25.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	6/11/93	186-93		✓
BUILDING	6/28/93	218-93		✓
CHARTER		Election of		
	11/3/93	11/3/93	✓	
ELECTRICAL	6/24/91	269-91	✓	
FIRE	Published 5/93; see other side for details.			
HEALTH	6/28/93	215-93		✓
HOUSING	5/7/93	129-93		✓
MECHANICAL	Published 5/93; see other side for details.			
PARK	5/5/88	192-88	✓	
PART III	6/25/93	207-93		✓
PLANNING	5/25/93	153-93		✓
TEMP. LAND USE CONTROLS	8/1/93			
PLUMBING	Published 5/93; see other side for details.			
POLICE	5/28/93	165-93		✓
PUBLIC WORKS	12/23/92	377-92	✓	
TRAFFIC	6/11/93	197-93		✓
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 26, all codes are current through ordinances approved
July 2, 1993.

**New editions of the following publications will be available soon.
Please call us toll-free, 1-800-537-7881, for further details and ordering
information for these or any of our other San Francisco publications:**

1992 San Francisco Fire Code, effective 1/15/93

1992 San Francisco Housing Code, effective 6/4/92

1992 San Francisco Mechanical Code, effective 7/1/92

1992 San Francisco Plumbing Code, effective 7/1/92

**BOOK PUBLISHING COMPANY
201 Westlake Avenue North
Seattle, WA 98109**

**(206) 343-5700
1-800-537-7881**

UPDATE SHEET

JUN 16 1993

Showing Latest Amendments for the

SAN FRANCISCO MUNICIPAL CODE

SAN FRANCISCO
PUBLIC LIBRARY

June, 1993

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the buff Update Sheet for Supplement No. 24.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	4/13/93	99-93		✓
BUILDING	3/17/93	73-93		✓
CHARTER		Election of		
	11/3/93	11/3/93		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	Published 5/93; see other side for details.			
HEALTH	3/26/93	85-93		✓
HOUSING	Published 5/93; see other side for details.			
MECHANICAL	Published 5/93; see other side for details.			
PARK	5/5/88	192-88	✓	
PART III	4/2/93	92-93		✓
PLANNING	12/23/92	368-92	✓	
TEMP. LAND USE CONTROLS	3/1/93		✓	✓
PLUMBING	Published 5/93; see other side for details.			
POLICE		Election		
	11/3/92	of 11/3/92	✓	
PUBLIC WORKS	12/23/92	377-92	✓	
TRAFFIC	3/17/93	74-93		✓
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 25, all codes are current through ordinances approved April 19, 1993.

**New editions of the following publications will be available soon.
Please call us toll-free, 1-800-537-7881, for further details and ordering
information for these or any of our other San Francisco publications:**

1992 San Francisco Fire Code, effective 1/15/93

1992 San Francisco Housing Code, effective 6/4/92

1992 San Francisco Mechanical Code, effective 7/1/92

1992 San Francisco Plumbing Code, effective 7/1/92

**BOOK PUBLISHING COMPANY
201 Westlake Avenue North
Seattle, WA 98109**

DESK

SUPPLEMENT NO. 25

DOCUMENTS DEPT.

JUN 16 1993

INSERTION GUIDE

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO CHARTER

June, 1993

(Covering Amendments through November 3, 1992)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (buff)	Update Sheet (salmon) ✓
Title Page	Title Page ✓

TEXT

CH-ix—CH-xiv	CH-ix—CH-xiv ✓
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INDEX

INDEX CH-1—INDEX CH-2	INDEX CH-1—INDEX CH-2 ✓
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APR - 1 1993

SUPPLEMENT NO. 24

UPDATE SHEET
Showing Latest Amendments for theSAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO MUNICIPAL CODE

March, 1993

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the pink Update Sheet for Supplement No. 23.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	1/15/93	17-93		✓
BUILDING	1/11/93	12-93		✓
CHARTER		Election		
	11/3/92	of 11/3/92	✓	
ELECTRICAL	6/24/91	269-91	✓	
FIRE	New edition in press; see other side for details.			
HEALTH	12/23/92	376-92		✓
HOUSING	New edition in press; see other side for details.			
MECHANICAL	New edition in press; see other side for details.			
PARK	5/5/88	192-88	✓	
PART III	1/15/93	24-93		✓
PLANNING	12/23/92	368-92		✓
TEMP. LAND USE CONTROLS	3/1/93			✓
PLUMBING	New edition in press; see other side for details.			
POLICE		Election		
	11/3/92	of 11/3/92	✓	
PUBLIC WORKS	12/23/92	377-92		✓
TRAFFIC	12/23/92	379-92		✓
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 24, all codes are current through ordinances approved
January 15, 1993.

**New editions of the following publications will be available soon.
Please call us toll-free, 1-800-537-7881, for further details and ordering
information for these or any of our other San Francisco publications:**

1992 San Francisco Fire Code, effective 1/15/93

1992 San Francisco Housing Code, effective 6/4/92

1992 San Francisco Mechanical Code, effective 7/1/92

1992 San Francisco Plumbing Code, effective 7/1/92

**BOOK PUBLISHING COMPANY
201 Westlake Avenue North
Seattle, WA 98109**

**(206) 343-5700
1-800-537-7881**

SUPPLEMENT NO. 23

INSERTION GUIDE

SAN FRANCISCO CHARTER

December, 1992

DOCUMENTS DEPT.

DEC 22 1992

SAN FRANCISCO
PUBLIC LIBRARY

(Covering Amendments through November 3, 1992)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (yellow)	Update Sheet (pink) ✓
Title Page	Title Page ✓

TEXT

CH-ix—CH-xiii	CH-ix—CH-xiv ✓
CH-178.1—CH-178.4	CH-178.1—CH-178.4 ✓
CH-187—CH-188.1	CH-187—CH-188.1 ✓
CH-225—CH-226.1	CH-225—CH-226.1 ✓
CH-247—CH-248	CH-247—CH-248 ✓
CH-283—CH-284	CH-283—CH-284 ✓
CH-293—CH-294	CH-293—CH-294 ✓
CH-301—CH-302	CH-301—CH-302 ✓
---	CH-366.29—CH-366.34 ✓

INDEX

INDEX CH-19—INDEX CH-20	INDEX CH-19—INDEX CH-20 ✓
INDEX CH-41—INDEX CH-46	INDEX CH-41—INDEX CH-46 ✓

SUPPLEMENT NO. 23

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

December, 1992

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the yellow Update Sheet for Supplement No. 22.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	11/3/92	Election of 11/3/92		✓
BUILDING	7/14/92	225-92	✓	
CHARTER	11/3/92	Election of 11/3/92		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/29/91	298-91	✓	
HEALTH	9/4/92	283-92		✓
HOUSING	6/4/92	160-92	✓	
MECHANICAL	11/6/89	398-89	✓	
PARK	5/5/88	192-88	✓	
PART III	8/31/92	280-92		✓
PLANNING	11/3/92	Election of 11/3/92		✓
TEMP. LAND USE CONTROLS	11/1/92			✓
PLUMBING	12/6/90	392-90	✓	
POLICE	11/3/92	Election of 11/3/92		✓
PUBLIC WORKS	9/16/92	287-92		✓
TRAFFIC	7/24/92	247-92	✓	
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 23, all codes are current through ordinances approved
October 23, 1992, and the Election of November 3, 1992.

OCT 06 1992

UPDATE SHEET
Showing Latest Amendments for the
SAN FRANCISCO MUNICIPAL CODE

SAN FRANCISCO
PUBLIC LIBRARY

September, 1992

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the salmon Update Sheet for Supplement No. 21.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE BUILDING	7/24/92	246-92		✓
	1992 San Francisco Building Code, adopted August 14, 1992 available soon; call for details.			
CHARTER	6/2/92	6/2/92 Election		✓
ELECTRICAL	6/24/91	269-91	✓	
FIRE	7/29/91	298-91	✓	
HEALTH	6/10/92	164-92		✓
HOUSING	6/4/92	160-92		✓
MECHANICAL	11/6/89	398-89	✓	
PARK	5/5/88	192-88	✓	
PART III	7/14/92	215-92		✓
PLANNING	7/14/92	227-92		✓
TEMP. LAND USE CONTROLS	8/1/92			✓
PLUMBING	12/6/90	392-90	✓	
POLICE	6/16/92	175-92		✓
PUBLIC WORKS	7/10/92	213-92		✓
TRAFFIC	7/24/92	247-92		✓
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 22, all codes are current through ordinances approved
 July 24, 1992.



OCT 06 1992

SAN FRANCISCO
PUBLIC LIBRARY

SUPPLEMENT NO. 22

INSERTION GUIDE

SAN FRANCISCO CHARTER

September, 1992

(Covering Amendments through June 2, 1992)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (salmon)	Update Sheet (yellow)
Title Page	Title Page

TEXT

CH-v—CH-x.1	CH-v—CH-x.1 ✓
CH-xiii	Ch-xiii ✓
CH-23—CH-26	CH-23—CH-26 ✓
CH-39—CH-40	CH-39—CH-40 ✓
CH-67—CH-68	CH-67—CH-68 ✓
CH-99—CH-100	CH-99—CH-100 ✓
CH-151—CH-152	CH-151—CH-152.1 ✓

INDEX

INDEX CH-3—INDEX CH-4	INDEX CH-3—INDEX CH-4 ✓
INDEX CH-9—INDEX CH-10	INDEX CH-9—INDEX CH-10 ✓
INDEX CH-23—INDEX CH-26	INDEX CH-23—INDEX CH-26 ✓

SUPPLEMENT NO. 21

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

June, 1992

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the buff Update Sheet for Supplement No. 20.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881,

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	4/7/92	106-92		✓
BUILDING	3/4/92	68-92		✓
CHARTER	11/5/91		✓	
ELECTRICAL	6/24/91		✓	
FIRE	7/24/91		✓	
HEALTH	10/28/91		✓	
HOUSING	1/21/92		✓	
MECHANICAL	11/6/89		✓	
PARK	5/5/88		✓	
PART III	2/3/92		✓	
PLANNING	4/16/92	109-92		✓
TEMP. LAND USE CONTROLS	5/1/92			✓
PLUMBING			✓	
POLICE	3/4/92	70-92		✓
PUBLIC WORKS	1/23/92		✓	
TRAFFIC	12/16/91		✓	
SUBDIVISION	3/23/90		✓	

As of this Supplement No. 21, all codes are current through ordinances approved
April 16, 1992.

SUPPLEMENT NO. 20

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

March, 1992

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the pink Update Sheet for Supplement No. 19.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
✓ADMINISTRATIVE	2/3/92	29-92		✓
✓BUILDING	1/21/92	16-92		✓
✓CHARTER			✓	
✓ELECTRICAL			✓	
✓FIRE			✓	
✓HEALTH	10/28/91	381-91		✓
✓HOUSING	1/21/92	18-92		✓
✓MECHANICAL			✓	
✓PARK			✓	
✓PART III	2/3/92	38-92		✓
✓PLANNING	2/3/92	37-92		✓
TEMP. LAND USE CONTROLS	2/1/92			✓
✓PLUMBING			✓	
✓POLICE	1/21/92	17-92		✓
✓PUBLIC WORKS	1/23/92	19-92		✓
✓TRAFFIC	12/16/91	407-91		✓
✓SUBDIVISION			✓	

As of this Supplement No. 20, all codes are current through ordinances approved
February 3, 1992.

SUPPLEMENT NO. 19

INSERTION GUIDE

SAN FRANCISCO CHARTER

December, 1991

(Covering Amendments through November 5, 1991)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (yellow)	Update Sheet (pink)
Title Page	Title Page

TEXT

CH-i—CH-x	CH-i—CH-x.1
CH-13—CH-14	CH-13—CH-14a
CH-29—CH-30	CH-29—CH-30.1
CH-98.1	CH-98.1—CH-98.3
CH-137—CH-140	CH-137—CH-138/CH-140
CH-145—CH-150	CH-145—CH-146/CH-150
CH-160.1—CH-162	CH-161—CH-162.1
CH-178.1	CH-178.1—CH-178.7
CH-208.1—CH-210	CH-209—CH-210b

TABLES

CH-371—CH-372	CH-371—CH-372
---------------------	---------------

DIGEST OF DECISIONS

DIGEST CH-1—DIGEST CH-2	DIGEST CH-1—DIGEST CH-2.1
DIGEST CH-9—DIGEST CH-10	DIGEST CH-9—DIGEST CH-10.1
DIGEST CH-15—DIGEST CH-16	DIGEST CH-15—DIGEST CH-16
DIGEST CH-19—DIGEST CH-22	DIGEST CH-19—DIGEST CH-22.1
DIGEST CH-25—DIGEST CH-26	DIGEST CH-25—DIGEST CH-26.1
DIGEST CH-31—DIGEST CH-32	DIGEST CH-31—DIGEST CH-32.1

Remove Pages

Insert Pages

DIGEST CH-39—DIGEST CH-40 DIGEST CH-39—DIGEST CH-40.1
DIGEST CH-45—DIGEST CH-46 DIGEST CH-45—DIGEST CH-46.1

INDEX

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INDEX CH-23—INDEX CH-24 INDEX CH-23—INDEX CH-24
INDEX CH-27—INDEX CH-30 INDEX CH-27—INDEX CH-30
INDEX CH-41—INDEX CH-42 INDEX CH-41—INDEX CH-42

SUPPLEMENT NO. 19

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

December, 1991

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the yellow Update Sheet for Supplement No. 18.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	10/14/91	363-91		✓
BUILDING	10/2/91	359-91		✓
CHARTER	11/5/91	11/5/91 Election		✓
ELECTRICAL			✓	
FIRE			✓	
HEALTH	8/6/91	302-91		✓
HOUSING	9/19/91	346-91		✓
MECHANICAL			✓	
PARK			✓	
PART III	7/31/91	305-91		✓
PLANNING	10/2/91	356-91		✓
TEMP. LAND USE CONTROLS	11/1/91			✓
PLUMBING			✓	
POLICE	10/14/91	368-91		✓
PUBLIC WORKS			✓	
TRAFFIC	10/14/91	369-91		✓
SUBDIVISION			✓	

As of this Supplement No. 19, all codes are current through ordinances approved
October 16, 1991, and the Election of November 5, 1991.

SUPPLEMENT NO. 17

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

June, 1991

DOCUMENTS DEPT.

JUN 20 1991

SAN FRANCISCO
PUBLIC LIBRARY

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the buff Update Sheet for Supplement No. 16.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	4/25/91	161-91		✓
BUILDING	12/20/90	404-90	✓	
CHARTER	11/6/90	11/6/90 Election	✓	
ELECTRICAL	11/6/89	396-89	✓	
FIRE	8/30/89	309-89	✓	
HEALTH	4/5/91	132-91		✓
HOUSING	10/24/90	361-90	✓	
MECHANICAL	11/6/89	398-89	✓	
PARK	5/5/88	192-88	✓	
PART III	4/5/91	133-91		✓
PLANNING	3/14/91	97-91		✓
TEMP. LAND USE CONTROLS	5/1/91	Res. 310-91		✓
PLUMBING	12/6/90	392-90	✓	
POLICE	2/28/91	66-91		✓
PUBLIC WORKS	11/8/88	492-88	✓	
TRAFFIC	4/17/91	152-91		✓
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 17, all codes are current through ordinances approved April 25, 1991.

SUPPLEMENT NO. 16

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

March, 1991

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the blue Update Sheet for Supplement No. 15.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	1/22/91	30-91		✓
BUILDING	12/20/90	404-90		✓
CHARTER	11/6/90	11/6/90		
		Election	✓	
ELECTRICAL	11/6/89	396-89	✓	
FIRE	8/30/89	309-89	✓	
HEALTH	1/18/91	17-91		✓
HOUSING	10/24/90	361-90		✓
MECHANICAL	11/6/89	398-89	✓	
PARK	5/5/88	192-88	✓	
PART III	10/17/90	357-90	✓	
PLANNING	1/25/91	32-91		✓
TEMP. LAND USE				
CONTROLS	2/1/91	Res. 4-90		✓
PLUMBING	12/6/90	392-90		✓
POLICE	11/21/90	383-90		✓
PUBLIC WORKS	11/8/88	492-88	✓	
TRAFFIC	1/18/91	28-91		✓
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 16, all codes are current through ordinances approved
January 25, 1991.

SUPPLEMENT NO. 15

INSERTION GUIDE

SAN FRANCISCO CHARTER

December, 1990

(Covering Amendments through November 6, 1990)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (yellow)	Update Sheet (blue)
Title Page	Title Page

TEXT

CH-iii—CH-iv	CH-iii—CH-iv
CH-xiii	CH-xiii
---	CH-304.1—CH-304.5
CH-321	CH-321
---	CH-366.19—CH-366.27

INDEX

INDEX CH-11—INDEX CH-14	INDEX CH-11—INDEX CH-13
INDEX CH-31—INDEX CH-32	INDEX CH-31—INDEX CH-32.1
INDEX CH-49—INDEX CH-50	INDEX CH-49—INDEX CH-50

SUPPLEMENT NO. 15

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

December, 1990

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. Place this Update Sheet in front of the title page of each San Francisco Code listed below. If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the yellow Update Sheet for Supplement No. 14.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	11/6/90	11/6/90 Election		✓
BUILDING	9/10/90	321-90		✓
✓ CHARTER	11/6/90	11/6/90 Election		✓
ELECTRICAL	11/6/89	396-89	✓	
FIRE	8/30/89	309-89	✓	
HEALTH	10/17/90	355-90		✓
HOUSING	11/6/89	399-89	✓	
MECHANICAL	11/6/89	398-89	✓	
PARK	5/5/88	192-88	✓	
PART III	10/17/90	357-90		✓
PLANNING	8/23/90	306-90		✓
TEMP. LAND USE CONTROLS	11/1/90	Res. 4-90		✓
PLUMBING	11/6/89	397-89	✓	
POLICE	10/12/90	345-90		✓
PUBLIC WORKS	11/8/88	492-88	✓	
TRAFFIC	2/7/90	55-90	✓	
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 15, all codes are current through ordinances approved
October 17, 1990 and the November 6, 1990 Election.



SEP 21 1990

INSERTION GUIDE

SAN FRANCISCO
CITY & COUNTY

SAN FRANCISCO CHARTER

September, 1990

(Covering Amendments through June 5, 1990)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (salmon)	Update Sheet (yellow)
Title Page	Title Page

TEXT

CH-vii—CH-xiii	CH-vii—CH-xiii
—	CH-66.2a
CH-111—CH-112	CH-111—CH-112.1
CH-127—CH-128	CH-127—CH-128.1
CH-181—CH-182	CH-181—CH-182.1
CH-193—CH-194	CH-193—CH-194
CH-197—CH-204	CH-197—CH-204.1
CH-275—CH-276	CH-275—CH-276
CH-305—CH-306	CH-305—CH-306.1
CH-321	CH-321
—	CH-366.15—CH-366.17

INDEX

INDEX CH-21—INDEX CH-22	INDEX CH-21—INDEX CH-22
INDEX CH-25—INDEX CH-26	INDEX CH-25—INDEX CH-26.1

SUPPLEMENT NO. 14

UPDATE SHEET Showing Latest Amendments for the SAN FRANCISCO MUNICIPAL CODE

September, 1990

DOCUMENTS DEPT.

SEP 21 1990

SAN FRANCISCO
PUBLIC LIBRARY

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the salmon Update Sheet for Supplement No. 13.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

Code Name	Date on This Code's Title Page	Latest Ord. Amending This Code	Insert Update Sheet Only	Insert Update Sheet Plus Text Changes
ADMINISTRATIVE	7/13/90	261-90		✓
BUILDING	6/22/90	221-90		✓
✓ CHARTER	6/5/90	6/5/90		
		Election		✓
ELECTRICAL	11/6/89	396-89	✓	
FIRE	8/30/89	309-89	✓	
HEALTH	7/6/90	259-90		✓
HOUSING	11/6/89	399-89	✓	
MECHANICAL	11/6/89	398-89	✓	
PARK	5/5/88	192-88	✓	
PART III	6/5/90	6/5/90		
		Election		✓
PLANNING	5/10/90	164-90		✓
TEMP. LAND USE				
CONTROLS	8/1/90	Res. 4-90		✓
PLUMBING	11/6/89	397-89	✓	
POLICE	6/15/90	216-90		✓
PUBLIC WORKS	11/8/88	492-88	✓	
TRAFFIC	2/7/90	55-90	✓	
SUBDIVISION	3/23/90	105-90	✓	

As of this Supplement No. 14, all codes are current through July 13, 1990.

Errata Insertion Guide
SAN FRANCISCO CHARTER

April, 1990

Remove Pages

Insert Pages

CH-309—CH-310 CH-309—CH-310

DOCUMENTS DEPT.

APR 19 1990

SAN FRANCISCO
PUBLIC LIBRARY



SUPPLEMENT NO. 12

DOCUMENTS DEPT.

INSERTION GUIDE

MAR 19 1990

SAN FRANCISCO
CALIF. 94101-1010

SAN FRANCISCO CHARTER

P8

March, 1990

(Covering Amendments through November 7, 1989)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (blue)	Update Sheet (green)
Title Page	Title Page

TEXT

CH-v—CH-xii CH-v—CH-xii

SUPPLEMENT NO. 12

MAR 19 1990

UPDATE SHEET

Showing Latest Amendments for the

SAN FRANCISCO MUNICIPAL CODE

March, 1990

This sheet provides information confirming the latest amendments incorporated into each of the San Francisco Codes. **Place this Update Sheet in front of the title page of each San Francisco Code listed below.** If there have been no changes for a given Code since the last supplement, you will receive only a new Update Sheet. This sheet replaces the blue Update Sheet for Supplement No. 11.

A new Update Sheet is issued every three months along with each numbered supplement to the Code. To be certain your Codes are up-to-date, please compare the information on your current Update Sheet with the date on the title pages currently in your Code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

CODE NAME	DATE ON THIS CODE'S TITLE PAGE	SUPPLEMENT NUMBER ON THIS CODE'S UPDATE SHEET	LATEST ORDINANCE AMENDING THIS CODE	ALL CODES ARE CURRENT THROUGH THIS DATE
ADMINISTRATIVE	1/30/90	No. 12	37-90	1/30/90
BUILDING	11/6/89	No. 12	395-89	1/30/90
CHARTER	11/7/89	No. 12	11/7/89 Election	1/30/90
ELECTRICAL	11/6/89	No. 12	396-89	1/30/90
FIRE	8/30/89	No. 12	309-89	1/30/90
HEALTH	1/10/90	No. 12	16-90	1/30/90
HOUSING	8/2/89	No. 12	284-89	1/30/90
MECHANICAL	11/6/89	No. 12	398-89	1/30/90
PARK	5/5/88	No. 12	192-88	1/30/90
PART III	8/2/89	No. 12	285-89	1/30/90
PLANNING	1/10/90	No. 12	430-89	1/30/90
TEMP. LAND USE CONTROLS	2/1/90	No. 12	Res. 4-90	1/30/90
PLUMBING	11/6/89	No. 12	397-89	1/30/90
POLICE	9/28/89	No. 12	339-89	1/30/90
PUBLIC WORKS	11/8/88	No. 12	492-88	1/30/90
TRAFFIC	1/10/90	No. 12	15-90	1/30/90
SUBDIVISION	11/22/89	No. 12	426-89	1/30/90

SUPPLEMENT NO. 11

DOCUMENTS DEPT.

INSERTION GUIDE

JAN 2 1990

**SAN FRANCISCO
PUBLIC LIBRARY**

SAN FRANCISCO CHARTER

PK

December, 1989

(Covering Amendments through November 7, 1989)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (yellow)	Update Sheet (blue)
Title Page	Title Page

TEXT

CH-i—CH-xiii	CH-i—CH-xiii
CH-15—CH-16	CH-15—CH-16.1
CH-66.1—CH-69	CH-66.1—CH-69
CH-81—CH-82	CH-81—CH-82
CH-85—CH-86	CH-85—CH-86
CH-141—CH-146	CH-141—CH-146
CH-159—CH-160	CH-159—CH-160.1
CH-167—CH-172	CH-167—CH-172
CH-185—CH-186	CH-185—CH-186.1
CH-225—CH-226	CH-225—CH-226.1
CH-239—CH-240	CH-239—CH-240
CH-245—CH-246	CH-245—CH-246.1
CH-267—CH-268	CH-267—CH-268.1
CH-281—CH-282	CH-281—CH-282.1

Remove Pages

Insert Pages

INDEX

INDEX CH-1—INDEX CH-2 INDEX CH-1—INDEX CH-2
INDEX CH-7—INDEX CH-10 INDEX CH-7—INDEX CH-10
INDEX CH-21—INDEX CH-22 INDEX CH-21—INDEX CH-22
INDEX CH-29—INDEX CH-32 INDEX CH-29—INDEX CH-32
INDEX CH-35—INDEX CH-36.1 .. INDEX CH-35—INDEX CH-36.1
INDEX CH-43—INDEX CH-44 INDEX CH-43—INDEX CH-44
INDEX CH-47—INDEX CH-48 INDEX CH-47—INDEX CH-48

SUPPLEMENT NO. 11 DOCUMENTS DEPT.**UPDATE SHEET**

JAN 2 1990

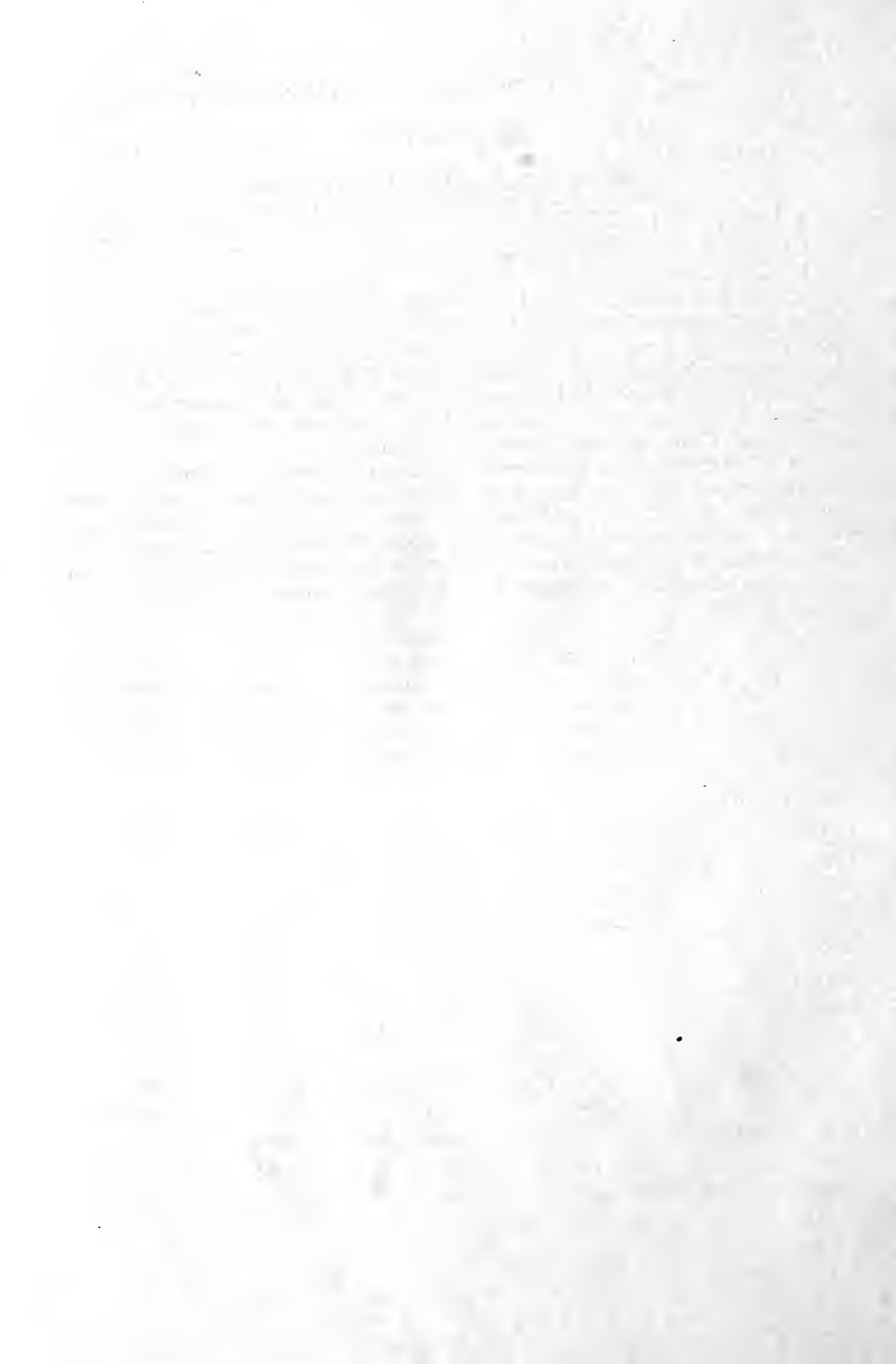
**SAN FRANCISCO MUNICIPAL CODE
LATEST AMENDMENT DATES****December, 1989**

This sheet provides various information regarding the latest amendments incorporated into each of the San Francisco Codes which have been republished by Book Publishing Company. Place this Update Sheet in front of the title page of your San Francisco Code. Discard the yellow Update Sheet it replaces.

Beginning with the 6-88 supplements (No. 5), all supplements to the San Francisco Codes have been numbered. The supplement number appears on both the Insertion Guide and the Update Sheet for each code.

Update Sheets are issued every three months along with supplements to each code. If there have been no changes for a given code since the last supplement, you will receive only a new Update Sheet. To be sure your codes are up-to-date, please compare the information on your current Update Sheet with the date on the title page currently in your code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

CODE NAME	DATE WHICH SHOULD BE ON THIS CODE'S TITLE PAGE	SUPPLEMENT NUMBER WHICH SHOULD BE ON THIS CODE'S UPDATE SHEET	LAST ORDINANCE AMENDING THIS CODE	ALL SAN FRANCISCO CODES ARE CURRENT THROUGH THIS DATE
ADMINISTRATIVE	10/25/89	No. 11	379-89	10/25/89
CHARTER	11/7/89	No. 11	11/7/89 Election	10/25/89
FIRE	8/30/89	No. 11	309-89	10/25/89
HEALTH	10/25/89	No. 11	386-89	10/25/89
HOUSING	8/2/89	No. 11	284-89	10/25/89
PARK	5/5/88	No. 11	192-88	10/25/89
PART III	8/2/89	No. 11	285-89	10/25/89
PLANNING	9/18/89	No. 11	323-89	10/25/89
TEMP. LAND USE				
CONTROLS	11/1/89	No. 11	Res. 759-89	10/25/89
POLICE	9/28/89	No. 11	339-89	10/25/89
PUBLIC WORKS	11/8/88	No. 11	492-88	10/25/89
TRAFFIC	10/13/89	No. 11	358-89	10/25/89
SUBDIVISION	5/3/89	No. 11	142-89	10/25/89



Character

SUPPLEMENT NO. 10

UPDATE SHEET

SAN FRANCISCO MUNICIPAL CODE LATEST AMENDMENT DATES

September, 1989

This sheet provides various information regarding the latest amendments incorporated into each of the San Francisco Codes which have been republished by Book Publishing Company. Place this Update Sheet in front of the title page of your San Francisco Code. Discard the salmon Update Sheet it replaces.

Beginning with the 6-88 supplements (No. 5), all supplements to the San Francisco Codes have been numbered. The supplement number appears on both the Insertion Guide and the Update Sheet for each code.

Update Sheets are issued every three months along with supplements to each code. If there have been no changes for a given code since the last supplement, you will receive only a new Update Sheet. To be sure your codes are up-to-date, please compare the information on your current Update Sheet with the date on the title page currently in your code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

CODE NAME	DATE WHICH SHOULD BE ON THIS CODE'S TITLE PAGE	SUPPLEMENT NUMBER WHICH SHOULD BE ON THIS CODE'S UPDATE SHEET	LAST ORDINANCE AMENDING THIS CODE	ALL SAN FRANCISCO CODES ARE CURRENT THROUGH THIS DATE
ADMINISTRATIVE	7/14/89	No. 10	265-89	7/14/89
CHARTER	11/8/88	No. 10	11/8/88 Election	7/14/89
FIRE	10/11/88	No. 10	455-88	7/14/89
HEALTH	6/5/89	No. 10	182-89	7/14/89
HOUSING	1/5/89	No. 10	7-89	7/14/89
PARK	5/5/88	No. 10	192-88	7/14/89
PART III	6/5/89	No. 10	182-89	7/14/89
PLANNING	7/14/89	No. 10	264-89	7/14/89
TEMP. LAND USE				
CONTROLS	8/1/89	No. 10	Res. 502-89	7/14/89
POLICE	5/30/89	No. 10	192-89	7/14/89
PUBLIC WORKS	11/8/88	No. 10	492-88	7/14/89
TRAFFIC	6/5/89	No. 10	194-89	7/14/89
SUBDIVISION	5/3/89	No. 10	142-89	7/14/89

SUPPLEMENT NO. 9

UPDATE SHEET

SAN FRANCISCO MUNICIPAL CODE LATEST AMENDMENT DATES

June, 1989

This sheet provides various information regarding the latest amendments incorporated into each of the San Francisco Codes which have been republished by Book Publishing Company. Place this Update Sheet in front of the title page of your San Francisco Code. Discard the green Update Sheet it replaces.

Beginning with the 6-88 supplements (No. 5), all supplements to the San Francisco Codes have been numbered. The supplement number appears on both the Insertion Guide and the Update Sheet for each code.

Update Sheets are issued every three months along with supplements to each code. If there have been no changes for a given code since the last supplement, you will receive only a new Update Sheet. To be sure your codes are up-to-date, please compare the information on your current Update Sheet with the date on the title page currently in your code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

CODE NAME	DATE WHICH SHOULD BE ON THIS CODE'S TITLE PAGE	SUPPLEMENT NUMBER WHICH SHOULD BE ON THIS CODE'S UPDATE SHEET	LAST ORDINANCE AMENDING THIS CODE	ALL SAN FRANCISCO CODES ARE CURRENT THROUGH THIS DATE
ADMINISTRATIVE	4/11/89	No. 9	108-89	4/14/89
CHARTER	11/8/88	No. 9	11/8/88 Election	4/14/89
FIRE	10/11/88	No. 9	455-88	4/14/89
HEALTH	3/29/89	No. 9	87-89	4/14/89
HOUSING	1/5/89	No. 9	7-89	4/14/89
PARK	5/5/88	No. 9	192-88	4/14/89
PART III	3/9/89	No. 9	60-89	4/14/89
PLANNING	4/14/89	No. 9	114-89	4/14/89
TEMP. LAND USE				
CONTROLS	5/1/89	No. 9	C.P. 11476	4/14/89
POLICE	3/1/89	No. 9	53-89	4/14/89
PUBLIC WORKS	11/8/88	No. 9	492-88	4/14/89
TRAFFIC	4/5/89	No. 9	105-89	4/14/89
SUBDIVISION	6/22/88	No. 9	257-88	4/14/89



MAR 15 1989

SUPPLEMENT NO. 8

UPDATE SHEET

SAN FRANCISCO MUNICIPAL CODE
LATEST AMENDMENT DATES

March, 1989

This sheet provides various information regarding the latest amendments incorporated into each of the San Francisco Codes which have been republished by Book Publishing Company. Place this Update Sheet in front of the title page of your San Francisco Code. Discard the blue Update Sheet it replaces.

Beginning with the 6-88 supplements (No. 5), all supplements to the San Francisco Codes have been numbered. The supplement number appears on both the Insertion Guide and the Update Sheet for each code.

Update Sheets are issued every three months along with supplements to each code. If there have been no changes for a given code since the last supplement, you will receive only a new Update Sheet. To be sure your codes are up-to-date, please compare the information on your current Update Sheet with the date on the title page currently in your code. If these numbers do not match, or if you feel that you are missing information, please call Book Publishing Company at 1-800-537-7881.

CODE NAME	DATE WHICH SHOULD BE ON THIS CODE'S TITLE PAGE	SUPPLEMENT NUMBER WHICH SHOULD BE ON THIS CODE'S UPDATE SHEET	LAST ORDINANCE AMENDING THIS CODE	ALL SAN FRANCISCO CODES ARE CURRENT THROUGH THIS DATE
ADMINISTRATIVE	1/25/89	No. 8	29-89	2/2/89
CHARTER	11/8/88	No. 8	11/8/88 Election	2/2/89
FIRE	10/11/88	No. 8	455-88	2/2/89
HEALTH	12/27/88	No. 8	542-88	2/2/89
HOUSING	1/5/89	No. 8	7-89	2/2/89
PARK	5/5/88	No. 8	192-88	2/2/89
PART III	1/5/89	No. 8	7-89	2/2/89
PLANNING	12/16/88	No. 8	537-88	2/2/89
TEMP. LAND USE				
CONTROLS	2/27/89	No. 8	C.P. 11476	2/2/89
POLICE	12/27/88	No. 8	562-88	2/2/89
PUBLIC WORKS	11/8/88	No. 8	492-88	2/2/89
TRAFFIC	2/2/89	No. 8	36-89	2/2/89
SUBDIVISION	6/22/88	No. 8	257-88	2/2/89

SUPPLEMENT NO. 8 DOCUMENTS DEPT.

MAR 15 1989

INSERTION GUIDE

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO CHARTER

P8

March, 1989

(Covering Amendments through November 8, 1988)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (blue)	Update Sheet (green)
Title Page	Title Page

TEXT

CH-v—CH-xii	CH-v—CH-xii
-------------------	-------------

SUPPLEMENT NO. 7

DOCUMENTS DEPT

DEC 27 1988

INSERTION GUIDE

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO CHARTER

PG

December, 1988

(Covering Amendments through November 8, 1988)

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Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Sheet (yellow)	Update Sheet (blue)
Title Page	Title Page

TEXT

CH-i—CH-ii	CH-i—CH-ii
CH-v—CH-xii	CH-v—CH-xiii
CH-5—CH-6	CH-5—CH-6
CH-11—CH-14.1	CH-11—CH-14.1
CH-21—CH-26	CH-21—CH-26
CH-33—CH-34	CH-33—CH-34.1
CH-39—CH-40	CH-39—CH-40.1
CH-53—CH-54	CH-53—CH-54.2
CH-59—CH-60	CH-59—CH-60
CH-65—CH-66	CH-65—CH-66.2
CH-95—CH-97	CH-95—CH-98.1
CH-103—CH-104	CH-103—CH-104.1
CH-107—CH-108	CH-107—CH-108.1
CH-115—CH-118	CH-115—CH-118.1

Remove Pages**Insert Pages**

CH-187—CH-188	CH-187—CH-188.1
CH-215—CH-216	CH-215—CH-216.1
CH-251—CH-252	CH-251—CH-252.1
CH-287—CH-288	CH-287—CH-288.1
CH-321	CH-321
---	CH-366.9—CH-366.13

INDEX

INDEX CH-1—INDEX CH-4	INDEX CH-1—INDEX CH-4.1
INDEX CH-9—INDEX CH-10	INDEX CH-9—INDEX CH-10
INDEX CH-13—INDEX CH-14	INDEX CH-13—INDEX CH-14
INDEX CH-19—INDEX CH-20	INDEX CH-19—INDEX CH-20
INDEX CH-25—INDEX CH-36.1 ..	INDEX CH-25—INDEX CH-36.1
INDEX CH-39—INDEX CH-42	INDEX CH-39—INDEX CH-42
INDEX CH-45—INDEX CH-48	INDEX CH-45—INDEX CH-48

SUPPLEMENT NO. 6

DOCUMENTS DEPT.

INSERTION GUIDE

OCT 10 1988

SAN FRANCISCO CHARTER

SAN FRANCISCO
PUBLIC LIBRARY

PG

September, 1988

(Covering Amendments through June 7, 1988)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

Remove Pages

Insert Pages

Update Sheet (salmon) Update Sheet (yellow)

TEXT

----- Tab page: APPENDIX
(place in front of CH-321)

SUPPLEMENT NO. 5

DOCUMENTS DEPT.

JUL 21 1988

INSERTION GUIDE

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO CHARTER

June, 1988

(Covering Amendments through June 7, 1988)

This supplement consists of reprinted pages replacing existing pages in the San Francisco Charter.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Charter.

Remove Pages

Insert Pages

Update Page (green)	Update Page (salmon)
Title Page	Title Page

TEXT

CH-v—CH-x	CH-v—CH-x.1
CH-57—CH-60	CH-57—CH-60
CH-75—CH-76	CH-75—CH-76
CH-99—CH-102	CH-99—CH-102
CH-133—CH-136	CH-133—CH-136.1
---	CH-178.1
CH-209—CH-210	CH-208.1—CH-210
---	Tab page: APPENDIX (place in front of CH-321)

INDEX

INDEX CH-27—INDEX CH-28	INDEX CH-27—INDEX CH-28.1
INDEX CH-41—INDEX CH-42	INDEX CH-41—INDEX CH-42

8.537	Added	6-4-74	* 6-29-74
8.538	Added	11-8-77	11-25-77
8.539	Added	11-3-81	12-24-81
8.539-1	Added	11-4-86	12- 3-86
8.539-2	Added	11-7-89	12-26-89
8.545	Amended	6-6-72	* 6-30-72
8.546	Amended	11-7-72	*11-30-72
8.547	Amended	11-7-72	*11-30-72
8.549	Amended	11-7-72	*11-30-72
8.558	Added	11-5-74	* 3-25-75
do	Amended	11-7-89	12-26-89
8.559	Added	11-5-74	* 3-25-75
8.559-1	Added	11-5-74	* 3-25-75
8.559-2	Added	11-5-74	* 3-25-75
do	Amended	11-4-86	12- 3-86
8.559-3	Added	11-5-74	* 3-25-75
8.559-4	Added	11-5-74	* 3-25-75
8.559-5	Added	11-5-74	* 3-25-75
8.559-6	Added	11-5-74	* 3-25-75
do	Amended	11-7-89	12-26-89
8.559-7	Added	11-5-74	* 3-25-75
8.559-8	Added	11-5-74	* 3-25-75
8.559-9	Added	11-5-74	* 3-25-75
8.559-10	Added	11-5-74	* 3-25-75
8.559-11	Added	11-5-74	* 3-25-75
8.559-12	Added	11-5-74	* 3-25-75
8.559-13	Added	11-5-74	* 3-25-75
8.559-14	Added	11-4-80	*12-12-80
8.559-15	Added	11-8-88	12- 5-88
8.565	Amended	11-5-74	* 3-25-75
8.569	Amended	6-6-72	* 6-30-72
do	do	11-6-73	*12-20-73
8.570	Amended	11-7-72	*11-30-72
8.571	Amended	11-7-72	*11-30-72
8.573	Amended	11-7-72	*11-30-72
8.582	Added	11-5-74	* 3-25-75
do	Amended	11-7-89	12-26-89
8.584	Added	11-2-76	12- 6-76
8.584-1	Added	11-2-76	12- 6-76
8.584-2	Added	11-2-76	12- 6-76
8.584-3	Added	11-2-76	12- 6-76
8.584-4	Added	11-2-76	12- 6-76
8.584-5	Added	11-2-76	12- 6-76
do	Amended	11-6-84	12-10-84
8.584-6	Added	11-2-76	12- 6-76
8.584-7	Added	11-2-76	12- 6-76
8.584-8	Added	11-2-76	12- 6-76
8.584-9	Added	11-2-76	12- 6-76

8.584-10	Added	11-2-76	12- 6-76
do	Amended	6-5-90	7-12-90
8.584-11	Added	11-2-76	12- 6-76
8.584-12	Added	11-2-76	12- 6-76
8.585	Added	11-5-74	* 3-25-75
8.585-1	Added	11-5-74	* 3-25-75
8.585-2	Added	11-5-74	* 3-25-75
do	Amended	11-4-86	12- 3-86
8.585-3	Added	11-5-74	* 3-25-75
8.585-4	Added	11-5-74	* 3-25-75
8.585-5	Added	11-5-74	* 3-25-75
8.585-6	Added	11-5-74	* 3-25-75
do	Amended	11-7-89	12-26-89
8.585-7	Added	11-5-74	* 3-25-75
8.585-8	Added	11-5-74	* 3-25-75
8.585-9	Added	11-5-74	* 3-25-75
8.585-10	Added	11-5-74	* 3-25-75
8.585-11	Added	11-5-74	* 3-25-75
8.585-12	Added	11-5-74	* 3-25-75
8.585-13	Added	11-5-74	* 3-25-75
8.585-14	Added	11-4-80	*12-12-80
8.585-15	Added	11-8-88	12- 5-88
8.586	Added	11-2-76	12- 6-76
8.586-1	Added	11-2-76	12- 6-76
8.586-2	Added	11-2-76	12- 6-76
do	Amended	11-4-86	12- 3-86
8.586-3	Added	11-2-76	12- 6-76
8.586-4	Added	11-2-76	12- 6-76
8.586-5	Added	11-2-76	12- 6-76
8.586-6	Added	11-2-76	12- 6-76
8.586-7	Added	11-2-76	12- 6-76
8.586-8	Added	11-2-76	12- 6-76
8.586-9	Added	11-2-76	12- 6-76
8.586-10	Added	11-2-76	12- 6-76
8.586-11	Added	11-2-76	12- 6-76
8.586-12	Added	11-2-76	12- 6-76
8.586-13	Added	11-2-76	12- 6-76
8.586-14	Added	11-2-76	12- 6-76
8.586-15	Added	11-4-80	12-12-80
8.588	Added	11-2-76	12- 6-76
8.588-1	Added	11-2-76	12- 6-76
8.588-2	Added	11-2-76	12- 6-76
do	Amended	11-4-86	12- 3-86
8.588-3	Added	11-2-76	12- 6-76
8.588-4	Added	11-2-76	12- 6-76
8.588-5	Added	11-2-76	12- 6-76
8.588-6	Added	11-2-76	12- 6-76
8.588-7	Added	11-2-76	12- 6-76

8.588-8	Added	11-2-76	12- 6-76
8.588-9	Added	11-2-76	12- 6-76
8.588-10	Added	11-2-76	12- 6-76
8.588-11	Added	11-2-76	12- 6-76
8.588-12	Added	11-2-76	12- 6-76
8.588-13	Added	11-2-76	12- 6-76
8.588-14	Added	11-2-76	12- 6-76
8.588-15	Added	11-4-80	12-12-80
8.590-1	Added	11-6-90	
8.590-2	do	11-6-90	
8.590-3	do	11-6-90	
8.590-4	do	11-6-90	
8.590-5	do	11-6-90	
8.590-6	do	11-6-90	
8.590-7	do	11-6-90	
9.100	Amended	11-2-76	12- 6-76
do	do	8-19-80	9-10-80
do	do	6-5-90	7-12-90
9.100-1	Added	11-6-73	*12-20-73
do	Amended	11-2-76	12- 6-76
do	do	6-6-78	6-26-78
9.100-2	Added	6-6-78	6-26-78
9.103	Amended	11-6-73	*12-20-73
do	do	6-6-78	6-26-78
9.104	Amended	11-7-72	*11-30-72
do	do	11-4-75	11-24-75
do	do	6-6-78	6-26-78
do	do	8-19-80	9-10-80
do	do	11-3-87	12- 8-87
9.105	Amended	11-7-72	*11-30-72
do	do	11-6-73	*12-20-73
9.106	Amended	11-6-73	*12-20-73
9.108	Amended	11-2-76	12- 6-76
9.111	Amended	11-7-72	*11-30-72
do	do	11-8-83	11-22-83
9.112	Amended	11-7-72	*11-30-72
do	do	11-5-74	* 3-25-75
9.115	Amended	11-6-73	*12-20-73
10.100	Amended	11-8-77	11-25-77

SXT
CASH
TAB

